

AMENDED IN ASSEMBLY AUGUST 24, 2010

AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1080

**Introduced by Committee on Public Safety (Senators Leno (Chair),
Cedillo, Cogdill, Hancock, Huff, Steinberg, and Wright)**

February 17, 2010

An act to add Sections 626.91 and 830.95 to, to add Title 2 (commencing with Section 12001) to Part 4 of, to add Part 6 (commencing with Section 16000) to, to repeal Section 653k of, and to repeal Title 2 (commencing with Section 12000) of Part 4 of, the Penal Code, relating to nonsubstantive reorganization of deadly weapon statutes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1080, as amended, Committee on Public Safety. Deadly weapons. Existing law generally regulates deadly weapons.

This bill would reorganize without substantive change the provisions of the Penal Code relating to deadly weapons, to be operative January 1, 2012.

This bill would incorporate additional changes proposed by AB 1810, AB 1934, AB 2263, AB 2358, AB 2668, SB 282, SB 1062, and SB 1190, contingent on the prior enactment of those bills.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 626.91 is added to the Penal Code, to
2 read:

1 626.91. Possession of ammunition on school grounds is
2 governed by Section 30310.

3 SEC. 2. Section 653k of the Penal Code is repealed.

4 SEC. 3. Section 830.95 is added to the Penal Code, to read:

5 830.95. (a) Any person who wears the uniform of a peace
6 officer while engaged in picketing, or other informational activities
7 in a public place relating to a concerted refusal to work, is guilty
8 of a misdemeanor, whether or not the person is a peace officer.

9 (b) This section shall not be construed to authorize or ratify any
10 picketing or other informational activities not otherwise authorized
11 by law.

12 SEC. 4. Title 2 (commencing with Section 12000) of Part 4 of
13 the Penal Code is repealed.

14 SEC. 5. Title 2 (commencing with Section 12001) is added to
15 Part 4 of the Penal Code, to read:

16
17 TITLE 2. SENTENCE ENHANCEMENTS
18

19 12001. As used in this title, “firearm” has the meaning provided
20 in subdivision (a) of Section 16520.

21 12003. If any section, subsection, sentence, clause, or phrase
22 of this title or any other provision listed in Section 16580 is for
23 any reason held to be unconstitutional, that decision shall not affect
24 the validity of the remaining portions of this title or any other
25 provision listed in Section 16580. The Legislature hereby declares
26 that it would have passed this title and any other provision listed
27 in Section 16580, and each section, subsection, sentence, clause,
28 and phrase thereof, irrespective of the fact that any one or more
29 other sections, subsections, sentences, clauses, or phrases be
30 declared unconstitutional.

31 12021.5. (a) Every person who carries a loaded or unloaded
32 firearm on his or her person, or in a vehicle, during the commission
33 or attempted commission of any street gang crimes described in
34 subdivision (a) or (b) of Section 186.22, shall, upon conviction of
35 the felony or attempted felony, be punished by an additional term
36 of imprisonment in the state prison for one, two, or three years in
37 the court’s discretion. The court shall impose the middle term
38 unless there are circumstances in aggravation or mitigation. The
39 court shall state the reasons for its enhancement choice on the
40 record at the time of sentence.

(b) Every person who carries a loaded or unloaded firearm together with a detachable shotgun magazine, a detachable pistol magazine, a detachable magazine, or a belt-feeding device on his or her person, or in a vehicle, during the commission or attempted commission of any street gang crimes described in subdivision (a) or (b) of Section 186.22, shall, upon conviction of the felony or attempted felony, be punished by an additional term of imprisonment in the state prison for two, three, or four years in the court's discretion. The court shall impose the middle term unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its enhancement choice on the record at the time of sentence.

(c) As used in this section, the following definitions shall apply:

(1) "Detachable magazine" means a device that is designed or redesigned to do all of the following:

(A) To be attached to a rifle that is designed or redesigned to fire ammunition.

(B) To be attached to, and detached from, a rifle that is designed or redesigned to fire ammunition.

(C) To feed ammunition continuously and directly into the loading mechanism of a rifle that is designed or redesigned to fire ammunition.

(2) "Detachable pistol magazine" means a device that is designed or redesigned to do all of the following:

(A) To be attached to a semiautomatic firearm that is not a rifle or shotgun that is designed or redesigned to fire ammunition.

(B) To be attached to, and detached from, a firearm that is not a rifle or shotgun that is designed or redesigned to fire ammunition.

(C) To feed ammunition continuously and directly into the loading mechanism of a firearm that is not a rifle or a shotgun that is designed or redesigned to fire ammunition.

(3) "Detachable shotgun magazine" means a device that is designed or redesigned to do all of the following:

(A) To be attached to a firearm that is designed or redesigned to fire a fixed shotgun shell through a smooth or rifled bore.

(B) To be attached to, and detached from, a firearm that is designed or redesigned to fire a fixed shotgun shell through a smooth bore.

1 (C) To feed fixed shotgun shells continuously and directly into
2 the loading mechanism of a firearm that is designed or redesigned
3 to fire a fixed shotgun shell.

4 (4) “Belt-feeding device” means a device that is designed or
5 redesigned to continuously feed ammunition into the loading
6 mechanism of a machinegun or a semiautomatic firearm.

7 (5) “Rifle” shall have the same meaning as specified in Section
8 17090.

9 (6) “Shotgun” shall have the same meaning as specified in
10 Section 17190.

11 (d) This section shall become operative on January 1, 2011.

12 12022. (a) (1) Except as provided in subdivisions (c) and (d),
13 any person who is armed with a firearm in the commission of a
14 felony or attempted felony shall be punished by an additional and
15 consecutive term of imprisonment in the state prison for one year,
16 unless the arming is an element of that offense. This additional
17 term shall apply to any person who is a principal in the commission
18 of a felony or attempted felony if one or more of the principals is
19 armed with a firearm, whether or not the person is personally armed
20 with a firearm.

21 (2) Except as provided in subdivision (c), and notwithstanding
22 subdivision (d), if the firearm is an assault weapon, as defined in
23 Section 30510 or Section 30515, or a machinegun, as defined in
24 Section 16880, or a .50 BMG rifle, as defined in Section 30530,
25 the additional and consecutive term described in this subdivision
26 shall be three years whether or not the arming is an element of the
27 offense of which the person was convicted. The additional term
28 provided in this paragraph shall apply to any person who is a
29 principal in the commission of a felony or attempted felony if one
30 or more of the principals is armed with an assault weapon or
31 machinegun, or a .50 BMG rifle, whether or not the person is
32 personally armed with an assault weapon or machinegun, or a .50
33 BMG rifle.

34 (b) (1) Any person who personally uses a deadly or dangerous
35 weapon in the commission of a felony or attempted felony shall
36 be punished by an additional and consecutive term of imprisonment
37 in the state prison for one year, unless use of a deadly or dangerous
38 weapon is an element of that offense.

1 (2) If the person described in paragraph (1) has been convicted
2 of carjacking or attempted carjacking, the additional term shall be
3 one, two, or three years.

4 (3) When a person is found to have personally used a deadly or
5 dangerous weapon in the commission of a felony or attempted
6 felony as provided in this subdivision and the weapon is owned
7 by that person, the court shall order that the weapon be deemed a
8 nuisance and disposed of in the manner provided in Sections 18000
9 and 18005.

10 (c) Notwithstanding the enhancement set forth in subdivision
11 (a), any person who is personally armed with a firearm in the
12 commission of a violation or attempted violation of Section 11351,
13 11351.5, 11352, 11366.5, 11366.6, 11378, 11378.5, 11379,
14 11379.5, or 11379.6 of the Health and Safety Code, shall be
15 punished by an additional and consecutive term of imprisonment
16 in the state prison for three, four, or five years.

17 (d) Notwithstanding the enhancement set forth in subdivision
18 (a), any person who is not personally armed with a firearm who,
19 knowing that another principal is personally armed with a firearm,
20 is a principal in the commission of an offense or attempted offense
21 specified in subdivision (c), shall be punished by an additional and
22 consecutive term of imprisonment in the state prison for one, two,
23 or three years.

24 (e) For purposes of imposing an enhancement under Section
25 1170.1, the enhancements under this section shall count as one,
26 single enhancement.

27 (f) Notwithstanding any other provision of law, the court may
28 strike the additional punishment for the enhancements provided
29 in subdivision (c) or (d) in an unusual case where the interests of
30 justice would best be served, if the court specifies on the record
31 and enters into the minutes the circumstances indicating that the
32 interests of justice would best be served by that disposition.

33 12022.1. (a) For the purposes of this section only:

34 (1) "Primary offense" means a felony offense for which a person
35 has been released from custody on bail or on his or her own
36 recognizance prior to the judgment becoming final, including the
37 disposition of any appeal, or for which release on bail or his or her
38 own recognizance has been revoked. In cases where the court has
39 granted a stay of execution of a county jail commitment or state
40 prison commitment, "primary offense" also means a felony offense

1 for which a person is out of custody during the period of time
2 between the pronouncement of judgment and the time the person
3 actually surrenders into custody or is otherwise returned to custody.

4 (2) “Secondary offense” means a felony offense alleged to have
5 been committed while the person is released from custody for a
6 primary offense.

7 (b) Any person arrested for a secondary offense which was
8 alleged to have been committed while that person was released
9 from custody on a primary offense shall be subject to a penalty
10 enhancement of an additional two years in state prison which shall
11 be served consecutive to any other term imposed by the court.

12 (c) The enhancement allegation provided in subdivision (b)
13 shall be pleaded in the information or indictment which alleges
14 the secondary offense, or in the information or indictment of the
15 primary offense if a conviction has already occurred in the
16 secondary offense, and shall be proved as provided by law. The
17 enhancement allegation may be pleaded in a complaint but need
18 not be proved at the preliminary hearing or grand jury hearing.

19 (d) Whenever there is a conviction for the secondary offense
20 and the enhancement is proved, and the person is sentenced on the
21 secondary offense prior to the conviction of the primary offense,
22 the imposition of the enhancement shall be stayed pending
23 imposition of the sentence for the primary offense. The stay shall
24 be lifted by the court hearing the primary offense at the time of
25 sentencing for that offense and shall be recorded in the abstract of
26 judgment. If the person is acquitted of the primary offense the stay
27 shall be permanent.

28 (e) If the person is convicted of a felony for the primary offense,
29 is sentenced to state prison for the primary offense, and is convicted
30 of a felony for the secondary offense, any state prison sentence
31 for the secondary offense shall be consecutive to the primary
32 sentence.

33 (f) If the person is convicted of a felony for the primary offense,
34 is granted probation for the primary offense, and is convicted of
35 a felony for the secondary offense, any state prison sentence for
36 the secondary offense shall be enhanced as provided in subdivision
37 (b).

38 (g) If the primary offense conviction is reversed on appeal, the
39 enhancement shall be suspended pending retrial of that felony.
40 Upon retrial and reconviction, the enhancement shall be reimposed.

1 If the person is no longer in custody for the secondary offense
2 upon reconviction of the primary offense, the court may, at its
3 discretion, reimpose the enhancement and order him or her
4 recommitted to custody.

5 12022.2. (a) Any person who, while armed with a firearm in
6 the commission or attempted commission of any felony, has in his
7 or her immediate possession ammunition for the firearm designed
8 primarily to penetrate metal or armor, shall upon conviction of
9 that felony or attempted felony, in addition and consecutive to the
10 punishment prescribed for the felony or attempted felony, be
11 punished by an additional term of 3, 4, or 10 years. The court shall
12 order the middle term unless there are circumstances in aggravation
13 or mitigation. The court shall state the reasons for its enhancement
14 choice on the record at the time of the sentence.

15 (b) Any person who wears a body vest in the commission or
16 attempted commission of a violent offense, as defined in Section
17 29905, shall, upon conviction of that felony or attempted felony,
18 in addition and consecutive to the punishment prescribed for the
19 felony or attempted felony of which he or she has been convicted,
20 be punished by an additional term of one, two, or five years. The
21 court shall order the middle term unless there are circumstances
22 in aggravation or mitigation. The court shall state the reasons for
23 its enhancement choice on the record at the time of the sentence.

24 (c) As used in this section, “body vest” means any
25 bullet-resistant material intended to provide ballistic and trauma
26 protection for the wearer.

27 (d) This section shall become operative on January 1, 2011.

28 12022.3. For each violation of Section 220 involving a specified
29 sexual offense, or for each violation or attempted violation of
30 Section 261, 262, 264.1, 286, 288, 288a, or 289, and in addition
31 to the sentence provided, any person shall receive the following:

32 (a) A 3-, 4-, or 10-year enhancement if the person uses a firearm
33 or a deadly weapon in the commission of the violation.

34 (b) A one-, two-, or five-year enhancement if the person is armed
35 with a firearm or a deadly weapon.

36 12022.4. (a) Any person who, during the commission or
37 attempted commission of a felony, furnishes or offers to furnish
38 a firearm to another for the purpose of aiding, abetting, or enabling
39 that person or any other person to commit a felony shall, in addition
40 and consecutive to the punishment prescribed by the felony or

1 attempted felony of which the person has been convicted, be
2 punished by an additional term of one, two, or three years in the
3 state prison. The court shall order the middle term unless there are
4 circumstances in aggravation or mitigation. The court shall state
5 the reasons for its enhancement choice on the record at the time
6 of the sentence. The additional term provided in this section shall
7 not be imposed unless the fact of the furnishing is charged in the
8 accusatory pleading and admitted or found to be true by the trier
9 of fact.

10 (b) This section shall become operative on January 1, 2011.

11 12022.5. (a) Except as provided in subdivision (b), any person
12 who personally uses a firearm in the commission of a felony or
13 attempted felony shall be punished by an additional and
14 consecutive term of imprisonment in the state prison for 3, 4, or
15 10 years, unless use of a firearm is an element of that offense.

16 (b) Notwithstanding subdivision (a), any person who personally
17 uses an assault weapon, as specified in Section 30510 or Section
18 30515, or a machinegun, as defined in Section 16880, in the
19 commission of a felony or attempted felony, shall be punished by
20 an additional and consecutive term of imprisonment in the state
21 prison for 5, 6, or 10 years.

22 (c) Notwithstanding Section 1385 or any other provisions of
23 law, the court shall not strike an allegation under this section or a
24 finding bringing a person within the provisions of this section.

25 (d) Notwithstanding the limitation in subdivision (a) relating to
26 being an element of the offense, the additional term provided by
27 this section shall be imposed for any violation of Section 245 if a
28 firearm is used, or for murder if the killing is perpetrated by means
29 of shooting a firearm from a motor vehicle, intentionally at another
30 person outside of the vehicle with the intent to inflict great bodily
31 injury or death.

32 (e) When a person is found to have personally used a firearm,
33 an assault weapon, a machinegun, or a .50 BMG rifle, in the
34 commission of a felony or attempted felony as provided in this
35 section and the firearm, assault weapon, machinegun, or a .50
36 BMG rifle, is owned by that person, the court shall order that the
37 firearm be deemed a nuisance and disposed of in the manner
38 provided in Sections 18000 and 18005.

1 (f) For purposes of imposing an enhancement under Section
2 1170.1, the enhancements under this section shall count as one,
3 single enhancement.

4 12022.53. (a) This section applies to the following felonies:

- 5 (1) Section 187 (murder).
- 6 (2) Section 203 or 205 (mayhem).
- 7 (3) Section 207, 209, or 209.5 (kidnapping).
- 8 (4) Section 211 (robbery).
- 9 (5) Section 215 (carjacking).
- 10 (6) Section 220 (assault with intent to commit a specified
11 felony).
- 12 (7) Subdivision (d) of Section 245 (assault with a firearm on a
13 peace officer or firefighter).
- 14 (8) Section 261 or 262 (rape).
- 15 (9) Section 264.1 (rape or sexual penetration in concert).
- 16 (10) Section 286 (sodomy).
- 17 (11) Section 288 or 288.5 (lewd act on a child).
- 18 (12) Section 288a (oral copulation).
- 19 (13) Section 289 (sexual penetration).
- 20 (14) Section 4500 (assault by a life prisoner).
- 21 (15) Section 4501 (assault by a prisoner).
- 22 (16) Section 4503 (holding a hostage by a prisoner).
- 23 (17) Any felony punishable by death or imprisonment in the
24 state prison for life.

25 (18) Any attempt to commit a crime listed in this subdivision
26 other than an assault.

27 (b) Notwithstanding any other provision of law, any person
28 who, in the commission of a felony specified in subdivision (a),
29 personally uses a firearm, shall be punished by an additional and
30 consecutive term of imprisonment in the state prison for 10 years.
31 The firearm need not be operable or loaded for this enhancement
32 to apply.

33 (c) Notwithstanding any other provision of law, any person
34 who, in the commission of a felony specified in subdivision (a),
35 personally and intentionally discharges a firearm, shall be punished
36 by an additional and consecutive term of imprisonment in the state
37 prison for 20 years.

38 (d) Notwithstanding any other provision of law, any person
39 who, in the commission of a felony specified in subdivision (a),
40 Section 246, or subdivision (c) or (d) of Section 26100, personally

1 and intentionally discharges a firearm and proximately causes great
2 bodily injury, as defined in Section 12022.7, or death, to any person
3 other than an accomplice, shall be punished by an additional and
4 consecutive term of imprisonment in the state prison for 25 years
5 to life.

6 (e) (1) The enhancements provided in this section shall apply
7 to any person who is a principal in the commission of an offense
8 if both of the following are pled and proved:

9 (A) The person violated subdivision (b) of Section 186.22.

10 (B) Any principal in the offense committed any act specified
11 in subdivision (b), (c), or (d).

12 (2) An enhancement for participation in a criminal street gang
13 pursuant to Chapter 11 (commencing with Section 186.20) of Title
14 7 of Part 1 shall not be imposed on a person in addition to an
15 enhancement imposed pursuant to this subdivision, unless the
16 person personally used or personally discharged a firearm in the
17 commission of the offense.

18 (f) Only one additional term of imprisonment under this section
19 shall be imposed per person for each crime. If more than one
20 enhancement per person is found true under this section, the court
21 shall impose upon that person the enhancement that provides the
22 longest term of imprisonment. An enhancement involving a firearm
23 specified in Section 12021.5, 12022, 12022.3, 12022.4, 12022.5,
24 or 12022.55 shall not be imposed on a person in addition to an
25 enhancement imposed pursuant to this section. An enhancement
26 for great bodily injury as defined in Section 12022.7, 12022.8, or
27 12022.9 shall not be imposed on a person in addition to an
28 enhancement imposed pursuant to subdivision (d).

29 (g) Notwithstanding any other provision of law, probation shall
30 not be granted to, nor shall the execution or imposition of sentence
31 be suspended for, any person found to come within the provisions
32 of this section.

33 (h) Notwithstanding Section 1385 or any other provision of law,
34 the court shall not strike an allegation under this section or a finding
35 bringing a person within the provisions of this section.

36 (i) The total amount of credits awarded pursuant to Article 2.5
37 (commencing with Section 2930) of Chapter 7 of Title 1 of Part
38 3 or pursuant to Section 4019 or any other provision of law shall
39 not exceed 15 percent of the total term of imprisonment imposed

1 on a defendant upon whom a sentence is imposed pursuant to this
2 section.

3 (j) For the penalties in this section to apply, the existence of any
4 fact required under subdivision (b), (c), or (d) shall be alleged in
5 the accusatory pleading and either admitted by the defendant in
6 open court or found to be true by the trier of fact. When an
7 enhancement specified in this section has been admitted or found
8 to be true, the court shall impose punishment for that enhancement
9 pursuant to this section rather than imposing punishment authorized
10 under any other provision of law, unless another enhancement
11 provides for a greater penalty or a longer term of imprisonment.

12 (k) When a person is found to have used or discharged a firearm
13 in the commission of an offense that includes an allegation pursuant
14 to this section and the firearm is owned by that person, a
15 coparticipant, or a coconspirator, the court shall order that the
16 firearm be deemed a nuisance and disposed of in the manner
17 provided in Sections 18000 and 18005.

18 (l) The enhancements specified in this section shall not apply
19 to the lawful use or discharge of a firearm by a public officer, as
20 provided in Section 196, or by any person in lawful self-defense,
21 lawful defense of another, or lawful defense of property, as
22 provided in Sections 197, 198, and 198.5.

23 12022.55. Notwithstanding Section 12022.5, any person who,
24 with the intent to inflict great bodily injury or death, inflicts great
25 bodily injury, as defined in Section 12022.7, or causes the death
26 of a person, other than an occupant of a motor vehicle, as a result
27 of discharging a firearm from a motor vehicle in the commission
28 of a felony or attempted felony, shall be punished by an additional
29 and consecutive term of imprisonment in the state prison for 5, 6,
30 or 10 years.

31 12022.6. (a) When any person takes, damages, or destroys
32 any property in the commission or attempted commission of a
33 felony, with the intent to cause that taking, damage, or destruction,
34 the court shall impose an additional term as follows:

35 (1) If the loss exceeds sixty-five thousand dollars (\$65,000),
36 the court, in addition and consecutive to the punishment prescribed
37 for the felony or attempted felony of which the defendant has been
38 convicted, shall impose an additional term of one year.

39 (2) If the loss exceeds two hundred thousand dollars (\$200,000),
40 the court, in addition and consecutive to the punishment prescribed

1 for the felony or attempted felony of which the defendant has been
2 convicted, shall impose an additional term of two years.

3 (3) If the loss exceeds one million three hundred thousand
4 dollars (\$1,300,000), the court, in addition and consecutive to the
5 punishment prescribed for the felony or attempted felony of which
6 the defendant has been convicted, shall impose an additional term
7 of three years.

8 (4) If the loss exceeds three million two hundred thousand
9 dollars (\$3,200,000), the court, in addition and consecutive to the
10 punishment prescribed for the felony or attempted felony of which
11 the defendant has been convicted, shall impose an additional term
12 of four years.

13 (b) In any accusatory pleading involving multiple charges of
14 taking, damage, or destruction, the additional terms provided in
15 this section may be imposed if the aggregate losses to the victims
16 from all felonies exceed the amounts specified in this section and
17 arise from a common scheme or plan. All pleadings under this
18 section shall remain subject to the rules of joinder and severance
19 stated in Section 954.

20 (c) The additional terms provided in this section shall not be
21 imposed unless the facts of the taking, damage, or destruction in
22 excess of the amounts provided in this section are charged in the
23 accusatory pleading and admitted or found to be true by the trier
24 of fact.

25 (d) This section applies to, but is not limited to, property taken,
26 damaged, or destroyed in violation of Section 502 or subdivision
27 (b) of Section 502.7. This section shall also apply to applicable
28 prosecutions for a violation of Section 350, 653h, 653s, or 653w.

29 (e) For the purposes of this section, the term “loss” has the
30 following meanings:

31 (1) When counterfeit items of computer software are
32 manufactured or possessed for sale, the “loss” from the
33 counterfeiting of those items shall be equivalent to the retail price
34 or fair market value of the true items that are counterfeited.

35 (2) When counterfeited but unassembled components of
36 computer software packages are recovered, including, but not
37 limited to, counterfeited computer diskettes, instruction manuals,
38 or licensing envelopes, the “loss” from the counterfeiting of those
39 components of computer software packages shall be equivalent to
40 the retail price or fair market value of the number of completed

1 computer software packages that could have been made from those
2 components.

3 (f) It is the intent of the Legislature that the provisions of this
4 section be reviewed within 10 years to consider the effects of
5 inflation on the additional terms imposed. For that reason this
6 section shall remain in effect only until January 1, 2018, and as of
7 that date is repealed unless a later enacted statute, which is enacted
8 before January 1, 2018, deletes or extends that date.

9 12022.7. (a) Any person who personally inflicts great bodily
10 injury on any person other than an accomplice in the commission
11 of a felony or attempted felony shall be punished by an additional
12 and consecutive term of imprisonment in the state prison for three
13 years.

14 (b) Any person who personally inflicts great bodily injury on
15 any person other than an accomplice in the commission of a felony
16 or attempted felony which causes the victim to become comatose
17 due to brain injury or to suffer paralysis of a permanent nature,
18 shall be punished by an additional and consecutive term of
19 imprisonment in the state prison for five years. As used in this
20 subdivision, “paralysis” means a major or complete loss of motor
21 function resulting from injury to the nervous system or to a
22 muscular mechanism.

23 (c) Any person who personally inflicts great bodily injury on a
24 person who is 70 years of age or older, other than an accomplice,
25 in the commission of a felony or attempted felony shall be punished
26 by an additional and consecutive term of imprisonment in the state
27 prison for five years.

28 (d) Any person who personally inflicts great bodily injury on a
29 child under the age of five years in the commission of a felony or
30 attempted felony shall be punished by an additional and
31 consecutive term of imprisonment in the state prison for four, five,
32 or six years.

33 (e) Any person who personally inflicts great bodily injury under
34 circumstances involving domestic violence in the commission of
35 a felony or attempted felony shall be punished by an additional
36 and consecutive term of imprisonment in the state prison for three,
37 four, or five years. As used in this subdivision, “domestic violence”
38 has the meaning provided in subdivision (b) of Section 13700.

39 (f) As used in this section, “great bodily injury” means a
40 significant or substantial physical injury.

(g) This section shall not apply to murder or manslaughter or a violation of Section 451 or 452. Subdivisions (a), (b), (c), and (d) shall not apply if infliction of great bodily injury is an element of the offense.

(h) The court shall impose the additional terms of imprisonment under either subdivision (a), (b), (c), or (d), but may not impose more than one of those terms for the same offense.

12022.75. (a) Except as provided in subdivision (b), any person who, for the purpose of committing a felony, administers by injection, inhalation, ingestion, or any other means, any controlled substance listed in Section 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code, against the victim's will by means of force, violence, or fear of immediate and unlawful bodily injury to the victim or another person, shall, in addition and consecutive to the penalty provided for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of three years.

(b) (1) Any person who, in the commission or attempted commission of any offense specified in paragraph (2), administers any controlled substance listed in Section 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code to the victim shall be punished by an additional and consecutive term of imprisonment in the state prison for five years.

(2) This subdivision shall apply to the following offenses:

(A) Rape, in violation of paragraph (3) or (4) of subdivision (a) of Section 261.

(B) Sodomy, in violation of subdivision (f) or (i) of Section 286.

(C) Oral copulation, in violation of subdivision (f) or (i) of Section 288a.

(D) Sexual penetration, in violation of subdivision (d) or (e) of Section 289.

(E) Any offense specified in subdivision (c) of Section 667.61.

12022.8. Any person who inflicts great bodily injury, as defined in Section 12022.7, on any victim in a violation of Section 220 involving a specified sexual offense, or a violation or attempted violation of paragraph (2), (3), or (6) of subdivision (a) of Section 261, paragraph (1) or (4) of subdivision (a) of Section 262, Section 264.1, subdivision (b) of Section 288, subdivision (a) of Section 289, or sodomy or oral copulation by force, violence, duress,

1 menace, or fear of immediate and unlawful bodily injury on the
2 victim or another person as provided in Section 286 or 288a shall
3 receive a five-year enhancement for each violation in addition to
4 the sentence provided for the felony conviction.

5 12022.85. (a) Any person who violates one or more of the
6 offenses listed in subdivision (b) with knowledge that he or she
7 has acquired immune deficiency syndrome (AIDS) or with the
8 knowledge that he or she carries antibodies of the human
9 immunodeficiency virus at the time of the commission of those
10 offenses, shall receive a three-year enhancement for each violation
11 in addition to the sentence provided under those sections.

12 (b) Subdivision (a) applies to the following crimes:

13 (1) Rape in violation of Section 261.

14 (2) Unlawful intercourse with a person under 18 years of age
15 in violation of Section 261.5.

16 (3) Rape of a spouse in violation of Section 262.

17 (4) Sodomy in violation of Section 286.

18 (5) Oral copulation in violation of Section 288a.

19 (c) For purposes of proving the knowledge requirement of this
20 section, the prosecuting attorney may use test results received
21 under subdivision (c) of Section 1202.1 or subdivision (g) of
22 Section 1202.6.

23 12022.9. Any person who, during the commission of a felony
24 or attempted felony, knows or reasonably should know that the
25 victim is pregnant, and who, with intent to inflict injury, and
26 without the consent of the woman, personally inflicts injury upon
27 a pregnant woman that results in the termination of the pregnancy
28 shall be punished by an additional and consecutive term of
29 imprisonment in the state prison for five years. The additional term
30 provided in this subdivision shall not be imposed unless the fact
31 of that injury is charged in the accusatory pleading and admitted
32 or found to be true by the trier of fact.

33 Nothing in this section shall be construed as affecting the
34 applicability of subdivision (a) of Section 187.

35 12022.95. Any person convicted of a violation of Section 273a,
36 who under circumstances or conditions likely to produce great
37 bodily harm or death, willfully causes or permits any child to
38 suffer, or inflicts thereon unjustifiable physical pain or injury that
39 results in death, or having the care or custody of any child, under
40 circumstances likely to produce great bodily harm or death,

1 willfully causes or permits that child to be injured or harmed, and
2 that injury or harm results in death, shall receive a four-year
3 enhancement for each violation, in addition to the sentence
4 provided for that conviction. Nothing in this paragraph shall be
5 construed as affecting the applicability of subdivision (a) of Section
6 187 or Section 192. This section shall not apply unless the
7 allegation is included within an accusatory pleading and admitted
8 by the defendant or found to be true by the trier of fact.

9 SEC. 6. Part 6 (commencing with Section 16000) is added to
10 the Penal Code, to read:

11
12 PART 6. CONTROL OF DEADLY WEAPONS

13
14 TITLE 1. PRELIMINARY PROVISIONS

15
16 DIVISION 1. GENERAL PROVISIONS

17
18 16000. This act recodifies the provisions of former Title 2
19 (commencing with Section 12000) of Part 4, which was entitled
20 “Control of Deadly Weapons.” The act shall be known and may
21 be cited as the “Deadly Weapons Recodification Act of 2010.”

22 16005. Nothing in the Deadly Weapons Recodification Act of
23 2010 is intended to substantively change the law relating to deadly
24 weapons. The act is intended to be entirely nonsubstantive in effect.
25 Every provision of this part, of Title 2 (commencing with Section
26 12001) of Part 4, and every other provision of this act, including,
27 without limitation, every cross-reference in every provision of the
28 act, shall be interpreted consistent with the nonsubstantive intent
29 of the act.

30 16010. (a) A provision of this part or of Title 2 (commencing
31 with Section 12001) of Part 4, or any other provision of the Deadly
32 Weapons Recodification Act of 2010, insofar as it is substantially
33 the same as a previously existing provision relating to the same
34 subject matter, shall be considered as a restatement and
35 continuation thereof and not as a new enactment.

36 (b) A reference in a statute to a previously existing provision
37 that is restated and continued in this part or in Title 2 (commencing
38 with Section 12001) of Part 4, or in any other provision of the
39 Deadly Weapons Recodification Act of 2010, shall, unless a

1 contrary intent appears, be deemed a reference to the restatement
2 and continuation.

3 (c) A reference in a statute to a provision of this part or of Title
4 2 (commencing with Section 12001) of Part 4, or any other
5 provision of the Deadly Weapons Recodification Act of 2010,
6 which is substantially the same as a previously existing provision,
7 shall, unless a contrary intent appears, be deemed to include a
8 reference to the previously existing provision.

9 16015. If a previously existing provision is restated and
10 continued in this part, or in Title 2 (commencing with Section
11 12001) of Part 4, or in any other provision of the Deadly Weapons
12 Recodification Act of 2010, a conviction under that previously
13 existing provision shall, unless a contrary intent appears, be treated
14 as a prior conviction under the restatement and continuation of
15 that provision.

16 16020. (a) A judicial decision interpreting a previously existing
17 provision is relevant in interpreting any provision of this part, of
18 Title 2 (commencing with Section 12001) of Part 4, or any other
19 provision of the Deadly Weapons Recodification Act of 2010,
20 which restates and continues that previously existing provision.

21 (b) However, in enacting the Deadly Weapons Recodification
22 Act of 2010, the Legislature has not evaluated the correctness of
23 any judicial decision interpreting a provision affected by the act.

24 (c) The Deadly Weapons Recodification Act of 2010 is not
25 intended to, and does not, reflect any assessment of any judicial
26 decision interpreting any provision affected by the act.

27 16025. (a) A judicial decision determining the constitutionality
28 of a previously existing provision is relevant in determining the
29 constitutionality of any provision of this part, of Title 2
30 (commencing with Section 12001) of Part 4, or any other provision
31 of the Deadly Weapons Recodification Act of 2010, which restates
32 and continues that previously existing provision.

33 (b) However, in enacting the Deadly Weapons Recodification
34 Act of 2010, the Legislature has not evaluated the constitutionality
35 of any provision affected by the act, or the correctness of any
36 judicial decision determining the constitutionality of any provision
37 affected by the act.

38 (c) The Deadly Weapons Recodification Act of 2010 is not
39 intended to, and does not, reflect any determination of the
40 constitutionality of any provision affected by the act.

DIVISION 2. DEFINITIONS

16100. Use of the term “.50 BMG cartridge” is governed by Section 30525.

16110. Use of the term “.50 BMG rifle” is governed by Section 30530.

16120. As used in this part, “abuse” means any of the following:

(a) Intentionally or recklessly to cause or attempt to cause bodily injury.

(b) Sexual assault.

(c) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.

(d) To molest, attack, strike, stalk, destroy personal property, or violate the terms of a domestic violence protective order issued pursuant to Part 4 (commencing with Section 6300) of Division 10 of the Family Code.

16130. As used in Section 26915, “agent” means an employee of the licensee.

16140. As used in this part, “air gauge knife” means a device that appears to be an air gauge but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended.

16150. (a) As used in Section 30300, “ammunition” means handgun ammunition as defined in Section 16650.

(b) As used in subdivision (a) of Section 30305 and in Section 30306, “ammunition” includes, but is not limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence. “Ammunition” does not include blanks.

16160. As used in this part, “antique cannon” means any cannon manufactured before January 1, 1899, which has been rendered incapable of firing or for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

16170. (a) As used in Sections 30515 and 30530, “antique firearm” means any firearm manufactured before January 1, 1899.

(b) As used in Section 16520, Section 16650, subdivision (a) of Section 23630, paragraph (1) of subdivision (b) of Section

1 27505, and subdivision (a) of Section 31615, “antique firearm”
2 has the same meaning as in Section 921(a)(16) of Title 18 of the
3 United States Code.

4 (c) As used in Section 17700, “antique firearm” means either
5 of the following:

6 (1) Any firearm not designed or redesigned for using rimfire or
7 conventional center fire ignition with fixed ammunition and
8 manufactured in or before 1898. This includes any matchlock,
9 flintlock, percussion cap, or similar type of ignition system or
10 replica thereof, whether actually manufactured before or after the
11 year 1898.

12 (2) Any firearm using fixed ammunition manufactured in or
13 before 1898, for which ammunition is no longer manufactured in
14 the United States and is not readily available in the ordinary
15 channels of commercial trade.

16 16180. As used in this part, “antique rifle” means a firearm
17 conforming to the definition of an “antique firearm” in Section
18 479.11 of Title 27 of the Code of Federal Regulations.

19 16190. As used in Article 2 (commencing with Section 26800)
20 of Chapter 2 of Division 6 of Title 4, and in Article 1 (commencing
21 with Section 27500) of Chapter 4 of Division 6 of Title 4,
22 “application to purchase” means either of the following:

23 (a) The initial completion of the register by the purchaser,
24 transferee, or person being loaned a firearm, as required by Section
25 28210.

26 (b) The initial completion and transmission to the Department
27 of Justice of the record of electronic or telephonic transfer by the
28 dealer on the purchaser, transferee, or person being loaned a
29 firearm, as required by Section 28215.

30 16200. Use of the term “assault weapon” is governed by
31 Sections 30510 and 30515.

32 16220. As used in this part, “ballistic knife” means a device
33 that propels a knifelike blade as a projectile by means of a coil
34 spring, elastic material, or compressed gas. Ballistic knife does
35 not include any device that propels an arrow or a bolt by means
36 of any common bow, compound bow, crossbow, or underwater
37 speargun.

38 16230. As used in this part, “ballistics identification system”
39 includes, but is not limited to, any automated image analysis system

1 that is capable of storing firearm ballistic markings and tracing
2 those markings to the firearm that produced them.

3 16240. As used in this part, “basic firearms safety certificate”
4 means a certificate issued before January 1, 2003, by the
5 Department of Justice pursuant to former Article 8 (commencing
6 with Section 12800) of Chapter 6 of Title 2 of Part 4, as that article
7 read at any time from when it became operative on January 1,
8 1992, to when it was repealed on January 1, 2003.

9 16250. As used in this part, “BB device” means any instrument
10 that expels a projectile, such as a BB or a pellet, not exceeding
11 6mm caliber, through the force of air pressure, gas pressure, or
12 spring action, or any spot marker gun.

13 16260. As used in this part, “belt buckle knife” is a knife that
14 is made an integral part of a belt buckle and consists of a blade
15 with a length of at least two and one-half inches.

16 16270. As used in this part, “blowgun” means a hollow tube
17 designed and intended to be used as a tube through which a dart
18 is propelled by the force of the breath of the user.

19 16280. As used in this part, “blowgun ammunition” means a
20 dart designed and intended for use in a blowgun.

21 *16288. As used in Section 31360, “body armor” means any*
22 *bullet-resistant material intended to provide ballistic and trauma*
23 *protection for the person wearing the body armor.*

24 16290. As used in this part, “body vest” or “body shield” means
25 any bullet-resistant material intended to provide ballistic and
26 trauma protection for the wearer or holder.

27 16300. As used in this part, “bona fide evidence of identity”
28 or “bona fide evidence of majority and identity” means a document
29 issued by a federal, state, county, or municipal government, or
30 subdivision or agency thereof, including, but not limited to, a motor
31 vehicle operator’s license, state identification card, identification
32 card issued to a member of the armed forces, or other form of
33 identification that bears the name, date of birth, description, and
34 picture of the person.

35 16310. As used in this part, “boobytrap” means any concealed
36 or camouflaged device designed to cause great bodily injury when
37 triggered by an action of any unsuspecting person coming across
38 the device. Boobytraps may include, but are not limited to, guns,
39 ammunition, or explosive devices attached to trip wires or other

1 triggering mechanisms, sharpened stakes, and lines or wire with
2 hooks attached.

3 16320. (a) As used in this part, “camouflaging firearm
4 container” means a container that meets all of the following criteria:

5 (1) It is designed and intended to enclose a firearm.

6 (2) It is designed and intended to allow the firing of the enclosed
7 firearm by external controls while the firearm is in the container.

8 (3) It is not readily recognizable as containing a firearm.

9 (b) “Camouflaging firearm container” does not include any
10 camouflaging covering used while engaged in lawful hunting or
11 while going to or returning from a lawful hunting expedition.

12 16330. As used in this part, “cane gun” means any firearm
13 mounted or enclosed in a stick, staff, rod, crutch, or similar device,
14 designed to be, or capable of being used as, an aid in walking, if
15 the firearm may be fired while mounted or enclosed therein.

16 16340. As used in this part, “cane sword” means a cane,
17 swagger stick, stick, staff, rod, pole, umbrella, or similar device,
18 having concealed within it a blade that may be used as a sword or
19 stiletto.

20 16350. As used in Section 30515, “capacity to accept more
21 than 10 rounds” means capable of accommodating more than 10
22 rounds. The term does not apply to a feeding device that has been
23 permanently altered so that it cannot accommodate more than 10
24 rounds.

25 16360. As used in this part, “CCW” means “carry concealed
26 weapons.”

27 16370. As used in Sections 31610 to 31700, inclusive, “certified
28 instructor” or “DOJ Certified Instructor” means a person designated
29 as a handgun safety instructor by the Department of Justice
30 pursuant to subdivision (a) of Section 31635.

31 16380. As used in this part, “chamber load indicator” means
32 a device that plainly indicates that a cartridge is in the firing
33 chamber. A device satisfies this definition if it is readily visible,
34 has incorporated or adjacent explanatory text or graphics, or both,
35 and is designed and intended to indicate to a reasonably foreseeable
36 adult user of the pistol, without requiring the user to refer to a
37 user’s manual or any other resource other than the pistol itself,
38 whether a cartridge is in the firing chamber.

39 16400. As used in this part, “clear evidence of the person’s
40 identity and age” means either of the following:

1 (a) A valid California driver's license.

2 (b) A valid California identification card issued by the
3 Department of Motor Vehicles.

4 16405. As used in this part, "composite knuckles" means any
5 device or instrument made wholly or partially of composite
6 materials, other than a medically prescribed prosthetic, that is not
7 metal knuckles, that is worn for purposes of offense or defense in
8 or on the hand, and that either protects the wearer's hand while
9 striking a blow or increases the force of impact from the blow or
10 injury to the individual receiving the blow.

11 16410. As used in this part, "consultant-evaluator" means a
12 consultant or evaluator who, in the course of that person's
13 profession is loaned firearms from a person licensed pursuant to
14 Chapter 44 (commencing with Section 921) of Title 18 of the
15 United States Code and the regulations issued pursuant thereto,
16 for research or evaluation, and has a current certificate of eligibility
17 issued pursuant to Section 26710.

18 16420. Use of the term "dagger" is governed by Section 16470.

19 16430. As used in Division 4 (commencing with Section 18250)
20 of Title 2, "deadly weapon" means any weapon, the possession or
21 concealed carrying of which is prohibited by any provision listed
22 in Section 16590.

23 16440. Use of the term "dealer" is governed by Section 26700.

24 16450. As used in Sections 31610 to 31700, inclusive, in
25 Chapter 2 (commencing with Section 29030) of Division 7 of Title
26 4, and in Article 3 (commencing with Section 30345) of Chapter
27 1 of Division 10 of Title 4, "department" means the Department
28 of Justice.

29 16460. (a) As used in Sections 16510, 16520, and 16780, and
30 in Chapter 1 (commencing with Section 18710) of Division 5 of
31 Title 2, "destructive device" includes any of the following weapons:

32 (1) Any projectile containing any explosive or incendiary
33 material or any other chemical substance, including, but not limited
34 to, that which is commonly known as tracer or incendiary
35 ammunition, except tracer ammunition manufactured for use in
36 shotguns.

37 (2) Any bomb, grenade, explosive missile, or similar device or
38 any launching device therefor.

39 (3) Any weapon of a caliber greater than 0.60 caliber which
40 fires fixed ammunition, or any ammunition therefor, other than a

1 shotgun (smooth or rifled bore) conforming to the definition of a
2 “destructive device” found in subsection (b) of Section 479.11 of
3 Title 27 of the Code of Federal Regulations, shotgun ammunition
4 (single projectile or shot), antique rifle, or an antique cannon.

5 (4) Any rocket, rocket-propelled projectile, or similar device of
6 a diameter greater than 0.60 inch, or any launching device therefor,
7 and any rocket, rocket-propelled projectile, or similar device
8 containing any explosive or incendiary material or any other
9 chemical substance, other than the propellant for that device, except
10 those devices as are designed primarily for emergency or distress
11 signaling purposes.

12 (5) Any breakable container that contains a flammable liquid
13 with a flashpoint of 150 degrees Fahrenheit or less and has a wick
14 or similar device capable of being ignited, other than a device
15 which is commercially manufactured primarily for the purpose of
16 illumination.

17 (6) Any sealed device containing dry ice (CO₂) or other
18 chemically reactive substances assembled for the purpose of
19 causing an explosion by a chemical reaction.

20 (b) A bullet containing or carrying an explosive agent is not a
21 destructive device as that term is used in subdivision (a).

22 16470. As used in this part, “dirk” or “dagger” means a knife
23 or other instrument with or without a handguard that is capable of
24 ready use as a stabbing weapon that may inflict great bodily injury
25 or death. A nonlocking folding knife, a folding knife that is not
26 prohibited by Section 21510, or a pocketknife is capable of ready
27 use as a stabbing weapon that may inflict great bodily injury or
28 death only if the blade of the knife is exposed and locked into
29 position.

30 16480. Use of the term “DOJ Certified Instructor” is governed
31 by Section 16370.

32 16490. As used in this part, “domestic violence” means abuse
33 perpetrated against any of the following persons:

34 (a) A spouse or former spouse.

35 (b) A cohabitant or former cohabitant, as defined in Section
36 6209 of the Family Code.

37 (c) A person with whom the respondent is having or has had a
38 dating or engagement relationship.

39 (d) A person with whom the respondent has had a child, where
40 the presumption applies that the male parent is the father of the

1 child of the female parent under the Uniform Parentage Act (Part
2 3 (commencing with Section 7600) of Division 12 of the Family
3 Code).

4 (e) A child of a party or a child who is the subject of an action
5 under the Uniform Parentage Act, where the presumption applies
6 that the male parent is the father of the child to be protected.

7 (f) Any other person related by consanguinity or affinity within
8 the second degree.

9 16500. Use of the phrase “drop safety requirement for
10 handguns” is governed by Section 31900.

11 16510. As used in subdivision (a) of Section 16460 and Chapter
12 1 (commencing with Section 18710) of Division 5 of Title 2,
13 “explosive” means any substance, or combination of substances,
14 the primary or common purpose of which is detonation or rapid
15 combustion, and which is capable of a relatively instantaneous or
16 rapid release of gas and heat, or any substance, the primary purpose
17 of which, when combined with others, is to form a substance
18 capable of a relatively instantaneous or rapid release of gas and
19 heat. “Explosive” includes, but is not limited to, any explosive as
20 defined in Section 841 of Title 18 of the United States Code and
21 published pursuant to Section 555.23 of Title 27 of the Code of
22 Federal Regulations, and any of the following:

23 (a) Dynamite, nitroglycerine, picric acid, lead azide, fulminate
24 of mercury, black powder, smokeless powder, propellant
25 explosives, detonating primers, blasting caps, or commercial
26 boosters.

27 (b) Substances determined to be division 1.1, 1.2, 1.3, or 1.6
28 explosives as classified by the United States Department of
29 Transportation.

30 (c) Nitro carbo nitrate substances (blasting agent) classified as
31 division 1.5 explosives by the United States Department of
32 Transportation.

33 (d) Any material designated as an explosive by the State Fire
34 Marshal. The designation shall be made pursuant to the
35 classification standards established by the United States
36 Department of Transportation. The State Fire Marshal shall adopt
37 regulations in accordance with the Government Code to establish
38 procedures for the classification and designation of explosive
39 materials or explosive devices that are not under the jurisdiction
40 of the United States Department of Transportation pursuant to

1 provisions of Section 841 of Title 18 of the United States Code
2 and published pursuant to Section 555.23 of Title 27 of the Code
3 of Federal Regulations that define explosives.

4 (e) Certain division 1.4 explosives as designated by the United
5 States Department of Transportation when listed in regulations
6 adopted by the State Fire Marshal.

7 (f) As used in Section 16460 and Chapter 1 (commencing with
8 Section 18710) of Division 5 of Title 2, “explosive” does not
9 include any destructive device, nor does it include ammunition or
10 small arms primers manufactured for use in shotguns, rifles, and
11 pistols.

12 16520. (a) As used in this part, “firearm” means any device,
13 designed to be used as a weapon, from which is expelled through
14 a barrel, a projectile by the force of any explosion or other form
15 of combustion.

16 (b) As used in the following provisions, “firearm” includes the
17 frame or receiver of the weapon:

18 (1) Section 16550.

19 (2) Section 16730.

20 (3) Section 16960.

21 (4) Section 16990.

22 (5) Section 17070.

23 (6) Section 17310.

24 (7) Sections 26500 to 26588, inclusive.

25 (8) Sections 26600 to 27140, inclusive.

26 (9) Sections 27400 to 28000, inclusive.

27 (10) Section 28100.

28 (11) Sections 28400 to 28415, inclusive.

29 (12) Sections 29010 to 29150, inclusive.

30 (13) Sections 29610 to 29750, inclusive.

31 (14) Sections 29800 to 29905, inclusive.

32 (15) Sections 30150 to 30165, inclusive.

33 (16) Section 31615.

34 (17) Sections 31705 to 31830, inclusive.

35 (18) Sections 34355 to 34370, inclusive.

36 (19) Sections 8100, 8101, and 8103 of the Welfare and
37 Institutions Code.

38 (c) As used in the following provisions, “firearm” also includes
39 any rocket, rocket propelled projectile launcher, or similar device

1 containing any explosive or incendiary material whether or not
2 the device is designed for emergency or distress signaling purposes:

3 (1) Section 16750.

4 (2) Subdivision (b) of Section 16840.

5 (3) Section 25400.

6 (4) Sections 25850 to 26025, inclusive.

7 (5) Subdivisions (a), (b), and (c) of Section 26030.

8 (6) Sections 26035 to 26055, inclusive.

9 (d) As used in the following provisions, “firearm” does not
10 include an unloaded antique firearm:

11 (1) Subdivisions (a) and (c) of Section 16730.

12 (2) Section 16550.

13 (3) Section 16960.

14 (4) Section 17310.

15 (5) Sections 26500 to 26588, inclusive.

16 (6) Sections 26700 to 26915, inclusive.

17 (7) Section 27510.

18 (8) Section 27530.

19 (9) Section 27540.

20 (10) Section 27545.

21 (11) Sections 27555 to 27570, inclusive.

22 (12) Sections 29010 to 29150, inclusive.

23 (e) As used in Sections 34005 and 34010, “firearm” does not
24 include a destructive device.

25 (f) As used in Sections 17280 and 24680, “firearm” has the
26 same meaning as in Section 922 of Title 18 of the United States
27 Code.

28 (g) As used in Sections 29010 to 29150, inclusive, “firearm”
29 includes the unfinished frame or receiver of a weapon that can be
30 readily converted to the functional condition of a finished frame
31 or receiver.

32 16530. (a) As used in this part, the terms “firearm capable of
33 being concealed upon the person,” “pistol,” and “revolver” apply
34 to and include any device designed to be used as a weapon, from
35 which is expelled a projectile by the force of any explosion, or
36 other form of combustion, and that has a barrel less than 16 inches
37 in length. These terms also include any device that has a barrel 16
38 inches or more in length which is designed to be interchanged with
39 a barrel less than 16 inches in length.

1 (b) Nothing shall prevent a device defined as a “firearm capable
2 of being concealed upon the person,” “pistol,” or “revolver” from
3 also being found to be a short-barreled rifle or a short-barreled
4 shotgun.

5 16540. As used in Division 2 (commencing with Section 23620)
6 of Title 4, “firearm safety device” means a device other than a gun
7 safe that locks and is designed to prevent children and unauthorized
8 users from firing a firearm. The device may be installed on a
9 firearm, be incorporated into the design of the firearm, or prevent
10 access to the firearm.

11 16550. As used in this part, “firearm transaction record” is a
12 record containing the same information referred to in subdivision
13 (a) of Section 478.124, Section 478.124a, and subdivision (e) of
14 Section 478.125 of Title 27 of the Code of Federal Regulations.

15 16560. Use of the phrase “firing requirement for handguns” is
16 governed by Section 31905.

17 16570. As used in this part, “flechette dart” means a dart,
18 capable of being fired from a firearm, that measures approximately
19 one inch in length, with tail fins that take up approximately
20 five-sixteenths of an inch of the body.

21 16575. (a) Except as stated in subdivision (c), the following
22 provisions are continuations of provisions that were included in
23 former Article 4 (commencing with Section 12070) of Chapter 1
24 of Title 2 of Part 4, entitled “Licenses to Sell Firearms,” when that
25 article was repealed by the Deadly Weapons Recodification Act
26 of 2010:

27 (1) Section 16130.

28 (2) Subdivision (b) of Section 16170, to the extent that it
29 continues former Sections 12078 and 12085, as those sections read
30 when they were repealed by the Deadly Weapons Recodification
31 Act of 2010.

32 (3) Section 16230.

33 (4) Section 16400.

34 (5) Section 16450, to the extent that it continues subdivision (a)
35 of former Section 12086, as that subdivision read when it was
36 repealed by the Deadly Weapons Recodification Act of 2010.

37 (6) Subdivisions (b) and (d) of Section 16520, to the extent that
38 they continue subdivision (e) of former Section 12085, as that
39 subdivision read when it was repealed by the Deadly Weapons
40 Recodification Act of 2010.

- 1 (7) Subdivision (g) of Section 16520.
- 2 (8) Section 16550.
- 3 (9) Section 16620.
- 4 (10) Section 16720.
- 5 (11) Section 16730.
- 6 (12) Section 16740, to the extent that it continues subdivision
- 7 (b) of former Section 12079, as that subdivision read when it was
- 8 repealed by the Deadly Weapons Recodification Act of 2010.
- 9 (13) Section 16800.
- 10 (14) Section 16810.
- 11 (15) Section 16960.
- 12 (16) Section 16990.
- 13 (17) Section 17110.
- 14 (18) Section 17310.
- 15 (19) Sections 26500 to 26588, inclusive.
- 16 (20) Sections 26600 to 29150, inclusive.
- 17 (21) Chapter 2 (commencing with Section 29500) of Division
- 18 8 of Title 4.
- 19 (22) Section 30105.
- 20 (23) Sections 30150 to 30165, inclusive.
- 21 (24) Sections 31705 to 31830, inclusive.
- 22 (25) Section 32315.
- 23 (26) Section 34205.
- 24 (27) Sections 34350 to 34370, inclusive.
- 25 (b) Except as stated in subdivision (c), the provisions listed in
- 26 subdivision (a) may be referred to as “former Article 4 of Chapter
- 27 1 provisions.”
- 28 (c) Subdivision (a) does not include any provision that was first
- 29 codified in one of the specified numerical ranges after the effective
- 30 date of the Deadly Weapons Recodification Act of 2010.
- 31 16580. (a) Except as stated in subdivision (c), the following
- 32 provisions are continuations of provisions that were included in
- 33 former Chapter 1 (commencing with Section 12000) of Title 2 of
- 34 Part 4, entitled “Firearms,” when that chapter was repealed by the
- 35 Deadly Weapons Recodification Act of 2010:
- 36 (1) Sections 12001 to 12022.95, inclusive.
- 37 (2) Sections 16120 to 16140, inclusive.
- 38 (3) Subdivision (b) of Section 16170, to the extent it continues
- 39 former Sections 12001, 12060, 12078, 12085, and 12088.8, as

1 those sections read when they were repealed by the Deadly
2 Weapons Recodification Act of 2010.

3 (4) Subdivision (c) of Section 16170.

4 (5) Section 16190.

5 (6) Sections 16220 to 16240, inclusive.

6 (7) Section 16250, to the extent it continues former Section
7 12001, as that section read when it was repealed by the Deadly
8 Weapons Recodification Act of 2010.

9 (8) Section 16260.

10 (9) Sections 16320 to 16340, inclusive.

11 (10) Section 16360.

12 (11) Sections 16400 to 16410, inclusive.

13 (12) Section 16430.

14 (13) Section 16450, to the extent it continues former Sections
15 12060 and 12086, as those sections read when they were repealed
16 by the Deadly Weapons Recodification Act of 2010.

17 (14) Subdivision (b) of Section 16460.

18 (15) Section 16470.

19 (16) Section 16490.

20 (17) Subdivision (a) of Section 16520, to the extent it continues
21 former Section 12001, as that section read when it was repealed
22 by the Deadly Weapons Recodification Act of 2010.

23 (18) Subdivisions (b) to (g), inclusive, of Section 16520.

24 (19) Sections 16530 to 16550, inclusive.

25 (20) Section 16570.

26 (21) Sections 16600 to 16640, inclusive.

27 (22) Section 16650, to the extent it continues former Section
28 12060, as that section read when it was repealed by the Deadly
29 Weapons Recodification Act of 2010.

30 (23) Section 16662, to the extent it continues former Section
31 12060, as that section read when it was repealed by the Deadly
32 Weapons Recodification Act of 2010.

33 (24) Sections 16670 to 16690, inclusive.

34 (25) Sections 16720 to 16760, inclusive.

35 (26) Sections 16800 and 16810.

36 (27) Sections 16830 to 16870, inclusive.

37 (28) Sections 16920 to 16960, inclusive.

38 (29) Sections 16990 and 17000.

39 (30) Sections 17020 to 17070, inclusive.

(31) Section 17090, to the extent it continues former Section 12020, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.

(32) Section 17110.

(33) Section 17125.

(34) Section 17160.

(35) Sections 17170 to 17200, inclusive.

(36) Sections 17270 to 17290, inclusive.

(37) Sections 17310 and 17315.

(38) Sections 17330 to 17505, inclusive.

(39) Sections 17515 to 18500, inclusive.

(40) Sections 19100 to 19290, inclusive.

(41) Sections 20200 to 21390, inclusive.

(42) Sections 21790 to 22490, inclusive.

(43) Sections 23500 to 30290, inclusive.

(44) Sections 30345 to 30365, inclusive.

(45) Sections 31500 to 31590, inclusive.

(46) Sections 31705 to 31830, inclusive.

(47) Sections 32310 to 32450, inclusive.

(48) Sections 32900 to 33320, inclusive.

(49) Sections 33600 to 34370, inclusive.

(b) Except as stated in subdivision (c), the provisions listed in subdivision (a) may be referred to as “former Chapter 1 provisions.”

(c) Subdivision (a) does not include any provision that was first codified in one of the specified numerical ranges after the effective date of the Deadly Weapons Recodification Act of 2010.

16585. (a) Except as stated in subdivision (d), the following provisions are continuations of provisions that were included in former Section 12078, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010:

(1) Subdivision (b) of Section 16170, as it pertains to former Section 12078, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.

(2) Section 16720.

(3) Subdivision (a) of Section 16730, as it pertains to former Section 12078, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.

(4) Subdivision (b) of Section 16730.

(5) Section 16990.

1 (6) Sections 26600 to 26615, inclusive.

2 (7) Sections 26950 to 27140, inclusive.

3 (8) Sections 27400 to 27415, inclusive.

4 (9) Subdivision (b) of Section 27505, as it pertains to former
5 Section 12078, as that section read when it was repealed by the
6 Deadly Weapons Recodification Act of 2010.

7 (10) Sections 27600 to 28000, inclusive.

8 (11) Sections 28400 to 28415, inclusive.

9 (12) Sections 30150 to 30165, inclusive.

10 (13) Sections 31705 to 31830, inclusive.

11 (14) Sections 34355 to 34370, inclusive.

12 (b) Except as stated in subdivision (d), the provisions listed in
13 subdivision (a) may be referred to as “former Section 12078
14 provisions.”

15 (c) Except as stated in subdivision (d), the following provisions
16 are continuations of provisions that were included in subdivision
17 (a) of former Section 12078, as that subdivision read when it was
18 repealed by the Deadly Weapons Recodification Act of 2010:

19 (1) Sections 26600 to 26615, inclusive.

20 (2) Section 26950.

21 (3) Sections 27050 to 27065, inclusive.

22 (4) Sections 27400 to 27415, inclusive.

23 (5) Sections 27600 to 27615, inclusive.

24 (6) Section 27650.

25 (7) Sections 27850 to 27860, inclusive.

26 (8) Sections 28400 to 28415, inclusive.

27 (9) Sections 30150 to 30165, inclusive.

28 (10) Sections 31705 to 31735, inclusive.

29 (11) Sections 34355 to 34370, inclusive.

30 (d) Subdivisions (a) and (c) do not include any provision that
31 was first codified in one of the specified numerical ranges after
32 the effective date of the Deadly Weapons Recodification Act of
33 2010.

34 16590. As used in this part, “generally prohibited weapon”
35 means any of the following:

36 (a) An air gauge knife, as prohibited by Section 20310.

37 (b) Ammunition that contains or consists of a flechette dart, as
38 prohibited by Section 30210.

39 (c) A ballistic knife, as prohibited by Section 21110.

40 (d) A belt buckle knife, as prohibited by Section 20410.

- 1 (e) A bullet containing or carrying an explosive agent, as
2 prohibited by Section 30210.
- 3 (f) A camouflaging firearm container, as prohibited by Section
4 24310.
- 5 (g) A cane gun, as prohibited by Section 24410.
- 6 (h) A cane sword, as prohibited by Section 20510.
- 7 (i) A concealed dirk or dagger, as prohibited by Section 21310.
- 8 (j) A concealed explosive substance, other than fixed
9 ammunition, as prohibited by Section 19100.
- 10 (k) A firearm that is not immediately recognizable as a firearm,
11 as prohibited by Section 24510.
- 12 (l) A large-capacity magazine, as prohibited by Section 32310.
- 13 (m) A leaded cane or an instrument or weapon of the kind
14 commonly known as a billy, blackjack, sandbag, sandclub, sap,
15 or slungshot, as prohibited by Section 22210.
- 16 (n) A lipstick case knife, as prohibited by Section 20610.
- 17 (o) Metal knuckles, as prohibited by Section 21810.
- 18 (p) A metal military practice handgrenade or a metal replica
19 handgrenade, as prohibited by Section 19200.
- 20 (q) A multiburst trigger activator, as prohibited by Section
21 32900.
- 22 (r) A nunchaku, as prohibited by Section 22010.
- 23 (s) A shobi-zue, as prohibited by Section 20710.
- 24 (t) A short-barreled rifle or short-barreled shotgun, as prohibited
25 by Section 33215.
- 26 (u) A shuriken, as prohibited by Section 22410.
- 27 (v) An unconventional pistol, as prohibited by Section 31500.
- 28 (w) An undetectable firearm, as prohibited by Section 24610.
- 29 (x) A wallet gun, as prohibited by Section 24710.
- 30 (y) A writing pen knife, as prohibited by Section 20910.
- 31 (z) A zip gun, as prohibited by Section 33600.
- 32 16600. As used in Chapter 2 (commencing with Section 25100)
33 of Division 4 of Title 4, “great bodily injury” means a significant
34 or substantial physical injury.
- 35 16610. As used in this part, “gun safe” means a locking
36 container that fully contains and secures one or more firearms, and
37 that meets the standards for gun safes adopted pursuant to Section
38 23650.
- 39 16620. As used in this part, “Gun Show Trader” means a person
40 described in Section 26525.

1 16630. As used in this part, “gunsmith” means any person who
2 is licensed as a dealer pursuant to Chapter 44 (commencing with
3 Section 921) of Title 18 of the United States Code and the
4 regulations issued pursuant thereto, who is engaged primarily in
5 the business of repairing firearms, or making or fitting special
6 barrels, stocks, or trigger mechanisms to firearms, or the agent or
7 employee of that person.

8 16640. (a) As used in this part, “handgun” means any pistol,
9 revolver, or firearm capable of being concealed upon the person.

10 (b) Nothing shall prevent a device defined as a “handgun” from
11 also being found to be a short-barreled rifle or a short-barreled
12 shotgun.

13 16650. (a) As used in this part, “handgun ammunition” means
14 ammunition principally for use in pistols, revolvers, and other
15 firearms capable of being concealed upon the person,
16 notwithstanding that the ammunition may also be used in some
17 rifles.

18 (b) As used in Section 30312 and in Article 3 (commencing
19 with Section 30345) of Chapter 1 of Division 10 of Title 4,
20 “handgun ammunition” does not include either of the following:

21 (1) Ammunition designed and intended to be used in an antique
22 firearm.

23 (2) Blanks.

24 16660. As used in this part, “handgun ammunition designed
25 primarily to penetrate metal or armor” means any ammunition,
26 except a shotgun shell or ammunition primarily designed for use
27 in a rifle, that is designed primarily to penetrate a body vest or
28 body shield, and has either of the following characteristics:

29 (a) Has projectile or projectile core constructed entirely,
30 excluding the presence of traces of other substances, from one or
31 a combination of tungsten alloys, steel, iron, brass, beryllium
32 copper, or depleted uranium, or any equivalent material of similar
33 density or hardness.

34 (b) Is primarily manufactured or designed, by virtue of its shape,
35 cross-sectional density, or any coating applied thereto, including,
36 but not limited to, ammunition commonly known as “KTW
37 ammunition,” to breach or penetrate a body vest or body shield
38 when fired from a pistol, revolver, or other firearm capable of
39 being concealed upon the person.

1 16662. As used in this part, “handgun ammunition vendor”
2 means any person, firm, corporation, dealer, or any other business
3 enterprise that is engaged in the retail sale of any handgun
4 ammunition, or that holds itself out as engaged in the business of
5 selling any handgun ammunition.

6 16670. As used in this part, “handgun safety certificate” means
7 a certificate issued by the Department of Justice pursuant to
8 Sections 31610 to 31700, inclusive, or pursuant to former Article
9 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part
10 4, as that article was operative at any time from January 1, 2003,
11 until it was repealed by the Deadly Weapons Recodification Act
12 of 2010.

13 16680. As used in this part, “hard wooden knuckles” means
14 any device or instrument made wholly or partially of wood or
15 paper products that is not metal knuckles, that is worn for purposes
16 of offense or defense in or on the hand, and that either protects the
17 wearer’s hand while striking a blow, or increases the force of
18 impact from the blow or injury to the individual receiving the blow.
19 The composite materials, wood, or paper products contained in
20 the device may help support the hand or fist, provide a shield to
21 protect it, or consist of projections or studs that would contact the
22 individual receiving a blow.

23 16690. As used in Sections 25650 and 26020, Article 2
24 (commencing with Section 25450) of Chapter 2 of Division 5 of
25 Title 4, and Article 3 (commencing with Section 25900) of Chapter
26 3 of Division 5 of Title 4, “honorably retired” includes any peace
27 officer who has qualified for, and has accepted, a service or
28 disability retirement. As used in those provisions, “honorably
29 retired” does not include an officer who has agreed to a service
30 retirement in lieu of termination.

31 16700. (a) As used in this part, “imitation firearm” means any
32 BB device, toy gun, replica of a firearm, or other device that is so
33 substantially similar in coloration and overall appearance to an
34 existing firearm as to lead a reasonable person to perceive that the
35 device is a firearm.

36 (b) As used in Section 20165, “imitation firearm” does not
37 include any of the following:

38 (1) A nonfiring collector’s replica that is historically significant,
39 and is offered for sale in conjunction with a wall plaque or
40 presentation case.

1 (2) A BB device.

2 (3) A device where the entire exterior surface of the device is
3 white, bright red, bright orange, bright yellow, bright green, bright
4 blue, bright pink, or bright purple, either singly or as the
5 predominant color in combination with other colors in any pattern,
6 as provided by federal regulations governing imitation firearms,
7 or where the entire device is constructed of transparent or
8 translucent materials which permits unmistakable observation of
9 the device's complete contents, as provided by federal regulations
10 governing imitation firearms.

11 16720. As used in this part, "immediate family member" means
12 either of the following relationships:

13 (a) Parent and child.

14 (b) Grandparent and grandchild.

15 16730. (a) As used in Section 31815 and in Division 6
16 (commencing with Section 26500) of Title 4, "infrequent" means:

17 (1) For handguns, less than six transactions per calendar year.

18 (2) For firearms other than handguns, occasional and without
19 regularity.

20 (b) As used in Section 27900, the term "infrequent" shall not
21 be construed to prohibit different local chapters of the same
22 nonprofit corporation from conducting auctions or similar events,
23 provided the individual local chapter conducts the auctions or
24 similar events infrequently. It is the intent of the Legislature that
25 different local chapters, representing different localities, be entitled
26 to invoke the exemption created by Section 27900, notwithstanding
27 the frequency with which other chapters of the same nonprofit
28 corporation may conduct auctions or similar events.

29 (c) As used in this section, "transaction" means a single sale,
30 lease, or transfer of any number of handguns.

31 16740. As used in this part, "large-capacity magazine" means
32 any ammunition feeding device with the capacity to accept more
33 than 10 rounds, but shall not be construed to include any of the
34 following:

35 (a) A feeding device that has been permanently altered so that
36 it cannot accommodate more than 10 rounds.

37 (b) A .22 caliber tube ammunition feeding device.

38 (c) A tubular magazine that is contained in a lever-action
39 firearm.

1 16750. (a) As used in Section 25400, “lawful possession of
2 the firearm” means that the person who has possession or custody
3 of the firearm either lawfully owns the firearm or has the
4 permission of the lawful owner or a person who otherwise has
5 apparent authority to possess or have custody of the firearm. A
6 person who takes a firearm without the permission of the lawful
7 owner or without the permission of a person who has lawful
8 custody of the firearm does not have lawful possession of the
9 firearm.

10 (b) As used in Article 2 (commencing with Section 25850),
11 Article 3 (commencing with Section 25900), and Article 4
12 (commencing with Section 26000) of Chapter 3 of Division 5 of
13 Title 4, “lawful possession of the firearm” means that the person
14 who has possession or custody of the firearm either lawfully
15 acquired and lawfully owns the firearm or has the permission of
16 the lawful owner or person who otherwise has apparent authority
17 to possess or have custody of the firearm. A person who takes a
18 firearm without the permission of the lawful owner or without the
19 permission of a person who has lawful custody of the firearm does
20 not have lawful possession of the firearm.

21 16760. As used in this part, a “leaded cane” means a staff,
22 crutch, stick, rod, pole, or similar device, unnaturally weighted
23 with lead.

24 16770. As used in this part, “less lethal ammunition” means
25 any ammunition that satisfies both of the following requirements:

26 (a) It is designed to be used in any less lethal weapon or any
27 other kind of weapon (including, but not limited to, any firearm,
28 pistol, revolver, shotgun, rifle, or spring, compressed air, or
29 compressed gas weapon).

30 (b) When used in a less lethal weapon or other weapon, it is
31 designed to immobilize, incapacitate, or stun a human being
32 through the infliction of any less than lethal impairment of physical
33 condition, function, or senses, including physical pain or
34 discomfort.

35 16780. As used in this part,:

36 (a) “Less lethal weapon” means any device that is designed to
37 or that has been converted to expel or propel less lethal ammunition
38 by any action, mechanism, or process for the purpose of
39 incapacitating, immobilizing, or stunning a human being through
40 the infliction of any less than lethal impairment of physical

1 condition, function, or senses, including physical pain or
2 discomfort. It is not necessary that a weapon leave any lasting or
3 permanent incapacitation, discomfort, pain, or other injury or
4 disability in order to qualify as a less lethal weapon.

5 (b) Less lethal weapon includes the frame or receiver of any
6 weapon described in subdivision (a), but does not include any of
7 the following unless the part or weapon has been converted as
8 described in subdivision (a):

9 (1) Pistol, revolver, or firearm.

10 (2) Machinegun.

11 (3) Rifle or shotgun using fixed ammunition consisting of
12 standard primer and powder and not capable of being concealed
13 upon the person.

14 (4) A pistol, rifle, or shotgun that is a firearm having a barrel
15 less than 0.18 inches in diameter and that is designed to expel a
16 projectile by any mechanical means or by compressed air or gas.

17 (5) When used as designed or intended by the manufacturer,
18 any weapon that is commonly regarded as a toy gun, and that as
19 a toy gun is incapable of inflicting any impairment of physical
20 condition, function, or senses.

21 (6) A destructive device.

22 (7) A tear gas weapon.

23 (8) A bow or crossbow designed to shoot arrows.

24 (9) A device commonly known as a slingshot.

25 (10) A device designed for the firing of stud cartridges,
26 explosive rivets, or similar industrial ammunition.

27 (11) A device designed for signaling, illumination, or safety.

28 (12) An assault weapon.

29 16790. As used in Article 5 (commencing with Section 30900)
30 and Article 7 (commencing with Section 31050) of Chapter 2 of
31 Division 10 of Title 4, “licensed gun dealer” means a person who
32 is licensed pursuant to Sections 26700 to 26915, inclusive, and
33 who has a permit to sell assault weapons or .50 BMG rifles
34 pursuant to Section 31005.

35 16800. As used in this part, “licensed gun show producer”
36 means a person who has been issued a certificate of eligibility by
37 the Department of Justice pursuant to Section 27200. No
38 regulations shall be required to implement this section.

39 16810. As used in Article 1 (commencing with Section 26700)
40 and Article 2 (commencing with Section 26800) of Chapter 2 of

1 Division 6 of Title 4, “licensed premises,” “licensee’s business
2 premises,” or “licensee’s place of business” means the building
3 designated in the license.

4 16820. (a) For purposes of the provisions listed in Section
5 16580, use of the term “licensee” is governed by Section 26700.

6 (b) For purposes of Chapter 2 (commencing with Section 29030)
7 of Division 7 of Title 4, use of the term “licensee” is governed by
8 Section 29030.

9 16822. Use of the term “licensee’s business premises” is
10 governed by Section 16810.

11 16824. Use of the term “licensee’s place of business” is
12 governed by Section 16810.

13 16830. As used in this part, a “lipstick case knife” means a
14 knife enclosed within and made an integral part of a lipstick case.

15 16840. (a) As used in Section 25800, a firearm shall be deemed
16 to be “loaded” whenever both the firearm and the unexpended
17 ammunition capable of being discharged from the firearm are in
18 the immediate possession of the same person.

19 (b) As used in Chapter 2 (commencing with Section 25100) of
20 Division 4 of Title 4, in subparagraph (A) of paragraph (6) of
21 subdivision (c) of Section 25400, and in Sections 25850 to 26055,
22 inclusive,

23 (1) A firearm shall be deemed to be “loaded” when there is an
24 unexpended cartridge or shell, consisting of a case that holds a
25 charge of powder and a bullet or shot, in, or attached in any manner
26 to, the firearm, including, but not limited to, in the firing chamber,
27 magazine, or clip thereof attached to the firearm.

28 (2) Notwithstanding paragraph (1), a muzzle-loader firearm
29 shall be deemed to be loaded when it is capped or primed and has
30 a powder charge and ball or shot in the barrel or cylinder.

31 16850. As used in Sections 17740, 23925, 25105, 25205, and
32 25610, and in Article 3 (commencing with Section 25505) of
33 Chapter 2 of Division 5 of Title 4, “locked container” means a
34 secure container that is fully enclosed and locked by a padlock,
35 keylock, combination lock, or similar locking device. The term
36 “locked container” does not include the utility or glove
37 compartment of a motor vehicle.

38 16860. As used in Sections 16850, 25105, and 25205, “locking
39 device” means a device that is designed to prevent a firearm from

1 functioning and, when applied to the firearm, renders the firearm
2 inoperable.

3 16870. As used in this part, “long-gun safe” means a locking
4 container designed to fully contain and secure a rifle or shotgun,
5 which has a locking system consisting of either a mechanical
6 combination lock or an electronic combination lock that has at
7 least 1,000 possible unique combinations consisting of a minimum
8 of three numbers, letters, or symbols per combination, and is not
9 listed on the roster maintained pursuant to Section 23655.

10 16880. (a) As used in this part, “machinegun” means any
11 weapon that shoots, is designed to shoot, or can readily be restored
12 to shoot, automatically more than one shot, without manual
13 reloading, by a single function of the trigger.

14 (b) The term “machinegun” also includes the frame or receiver
15 of any weapon described in subdivision (a), any part designed and
16 intended solely and exclusively, or combination of parts designed
17 and intended, for use in converting a weapon into a machinegun,
18 and any combination of parts from which a machinegun can be
19 assembled if those parts are in the possession or under the control
20 of a person.

21 (c) The term “machinegun” also includes any weapon deemed
22 by the federal Bureau of Alcohol, Tobacco, and Firearms as readily
23 convertible to a machinegun under Chapter 53 (commencing with
24 Section 5801) of Title 26 of the United States Code.

25 16890. As used in Section 30515, “magazine” means any
26 ammunition feeding device.

27 16900. As used in this part, “magazine disconnect mechanism”
28 means a mechanism that prevents a semiautomatic pistol that has
29 a detachable magazine from operating to strike the primer of
30 ammunition in the firing chamber when a detachable magazine is
31 not inserted in the semiautomatic pistol.

32 16920. As used in this part, “metal knuckles” means any device
33 or instrument made wholly or partially of metal that is worn for
34 purposes of offense or defense in or on the hand and that either
35 protects the wearer’s hand while striking a blow or increases the
36 force of impact from the blow or injury to the individual receiving
37 the blow. The metal contained in the device may help support the
38 hand or fist, provide a shield to protect it, or consist of projections
39 or studs which would contact the individual receiving a blow.

1 16930. As used in this part, a “multiburst trigger activator”
2 means either of the following:

3 (a) A device designed or redesigned to be attached to a
4 semiautomatic firearm, which allows the firearm to discharge two
5 or more shots in a burst by activating the device.

6 (b) A manual or power-driven trigger activating device
7 constructed and designed so that when attached to a semiautomatic
8 firearm it increases the rate of fire of that firearm.

9 16940. As used in this part, “nunchaku” means an instrument
10 consisting of two or more sticks, clubs, bars, or rods to be used as
11 handles, connected by a rope, cord, wire, or chain, in the design
12 of a weapon used in connection with the practice of a system of
13 self-defense such as karate.

14 16960. As used in Article 1 (commencing with Section 26500)
15 of Chapter 1 of Division 6 of Title 4, “operation of law” includes,
16 but is not limited to, any of the following:

17 (a) The executor or administrator of an estate, if the estate
18 includes a firearm.

19 (b) A secured creditor or an agent or employee of a secured
20 creditor when a firearm is possessed as collateral for, or as a result
21 of, a default under a security agreement under the Commercial
22 Code.

23 (c) A levying officer, as defined in Section 481.140, 511.060,
24 or 680.260 of the Code of Civil Procedure.

25 (d) A receiver performing the functions of a receiver, if the
26 receivership estate includes a firearm.

27 (e) A trustee in bankruptcy performing the duties of a trustee,
28 if the bankruptcy estate includes a firearm.

29 (f) An assignee for the benefit of creditors performing the
30 functions of an assignee, if the assignment includes a firearm.

31 (g) A transmutation of property between spouses pursuant to
32 Section 850 of the Family Code.

33 (h) A firearm received by the family of a police officer or deputy
34 sheriff from a local agency pursuant to Section 50081 of the
35 Government Code.

36 (i) The transfer of a firearm by a law enforcement agency to the
37 person who found the firearm where the delivery is to the person
38 as the finder of the firearm pursuant to Article 1 (commencing
39 with Section 2080) of Chapter 4 of Title 6 of Part 4 of Division 3
40 of the Civil Code.

1 16965. As used in this part, “passenger’s or driver’s area”
2 means that part of a motor vehicle which is designed to carry the
3 driver and passengers, including any interior compartment or space
4 therein.

5 16970. As used in Sections 16790 and 17505 and in Chapter
6 2 (commencing with Section 30500) of Division 10 of Title 4,
7 “person” means an individual, partnership, corporation, limited
8 liability company, association, or any other group or entity,
9 regardless of how it was created.

10 16980. Use of the term “person licensed pursuant to Sections
11 26700 to 26915, inclusive” is governed by Section 26700.

12 16990. As used in any provision listed in subdivision (a) of
13 Section 16585, the phrase “a person taking title or possession of
14 a firearm by operation of law” includes, but is not limited to, any
15 of the following instances in which an individual receives title to,
16 or possession of, a firearm:

17 (a) The executor or administrator of an estate, if the estate
18 includes a firearm.

19 (b) A secured creditor or an agent or employee of a secured
20 creditor when the firearm is possessed as collateral for, or as a
21 result of, a default under a security agreement under the
22 Commercial Code.

23 (c) A levying officer, as defined in Section 481.140, 511.060,
24 or 680.260 of the Code of Civil Procedure.

25 (d) A receiver performing the functions of a receiver, if the
26 receivership estate includes a firearm.

27 (e) A trustee in bankruptcy performing the duties of a trustee,
28 if the bankruptcy estate includes a firearm.

29 (f) An assignee for the benefit of creditors performing the
30 functions of an assignee, if the assignment includes a firearm.

31 (g) A transmutation of property consisting of a firearm pursuant
32 to Section 850 of the Family Code.

33 (h) A firearm passing to a surviving spouse pursuant to Chapter
34 1 (commencing with Section 13500) of Part 2 of Division 8 of the
35 Probate Code.

36 (i) A firearm received by the family of a police officer or deputy
37 sheriff from a local agency pursuant to Section 50081 of the
38 Government Code.

39 (j) The transfer of a firearm by a law enforcement agency to the
40 person who found the firearm where the delivery is to the person

1 as the finder of the firearm pursuant to Article 1 (commencing
2 with Section 2080) of Chapter 4 of Division 3 of the Civil Code.

3 17000. (a) As used in this part, “personal handgun importer”
4 means an individual who meets all of the following criteria:

5 (1) The individual is not a person licensed pursuant to Sections
6 26700 to 26915, inclusive.

7 (2) The individual is not a licensed manufacturer of firearms
8 pursuant to Chapter 44 (commencing with Section 921) of Title
9 18 of the United States Code.

10 (3) The individual is not a licensed importer of firearms pursuant
11 to Chapter 44 (commencing with Section 921) of Title 18 of the
12 United States Code and the regulations issued pursuant thereto.

13 (4) The individual is the owner of a handgun.

14 (5) The individual acquired that handgun outside of California.

15 (6) The individual moved into this state on or after January 1,
16 1998, as a resident of this state.

17 (7) The individual intends to possess that handgun within this
18 state on or after January 1, 1998.

19 (8) The handgun was not delivered to the individual by a person
20 licensed pursuant to Sections 26700 to 26915, inclusive, who
21 delivered that firearm following the procedures set forth in Section
22 27540 and Sections 26700 to 26915, inclusive.

23 (9) The individual, while a resident of this state, had not
24 previously reported ownership of that handgun to the Department
25 of Justice in a manner prescribed by the department that included
26 information concerning the individual and a description of the
27 firearm.

28 (10) The handgun is not a firearm that is prohibited by any
29 provision listed in Section 16590.

30 (11) The handgun is not an assault weapon.

31 (12) The handgun is not a machinegun.

32 (13) The person is 18 years of age or older.

33 (b) For purposes of paragraph (6) of subdivision (a):

34 (1) Except as provided in paragraph (2), residency shall be
35 determined in the same manner as is the case for establishing
36 residency pursuant to Section 12505 of the Vehicle Code.

37 (2) In the case of a member of the Armed Forces of the United
38 States, residency shall be deemed to be established when the
39 individual was discharged from active service in this state.

40 17010. Use of the term “pistol” is governed by Section 16530.

1 17020. For purposes of this part, a city or county may be
2 considered an applicant's "principal place of employment or
3 business" only if the applicant is physically present in the
4 jurisdiction during a substantial part of the applicant's working
5 hours for purposes of that employment or business.

6 17030. As used in this part, "prohibited area" means any place
7 where it is unlawful to discharge a weapon.

8 17070. As used in this part, "responsible adult" means a person
9 at least 21 years of age who is not prohibited by state or federal
10 law from possessing, receiving, owning, or purchasing a firearm.

11 17080. Use of the term "revolver" is governed by Section
12 16530.

13 17090. As used in Sections 16530, 16640, 16650, 16660,
14 16870, and 17170, Sections 17720 to 17730, inclusive, Section
15 17740, subdivision (f) of Section 27555, Article 2 (commencing
16 with Section 30300) of Chapter 1 of Division 10 of Title 4, and
17 Article 1 (commencing with Section 33210) of Chapter 8 of
18 Division 10 of Title 4, "rifle" means a weapon designed or
19 redesigned, made or remade, and intended to be fired from the
20 shoulder and designed or redesigned and made or remade to use
21 the energy of the explosive in a fixed cartridge to fire only a single
22 projectile through a rifled bore for each single pull of the trigger.

23 17110. As used in Section 26890, "secure facility" means a
24 building that meets all of the following specifications:

25 (a) All perimeter doorways shall meet one of the following:

26 (1) A windowless steel security door equipped with both a dead
27 bolt and a doorknob lock.

28 (2) A windowed metal door that is equipped with both a dead
29 bolt and a doorknob lock. If the window has an opening of five
30 inches or more measured in any direction, the window shall be
31 covered with steel bars of at least one-half inch diameter or metal
32 grating of at least nine gauge affixed to the exterior or interior of
33 the door.

34 (3) A metal grate that is padlocked and affixed to the licensee's
35 premises independent of the door and doorframe.

36 (b) All windows are covered with steel bars.

37 (c) Heating, ventilating, air-conditioning, and service openings
38 are secured with steel bars, metal grating, or an alarm system.

39 (d) Any metal grates have spaces no larger than six inches wide
40 measured in any direction.

1 (e) Any metal screens have spaces no larger than three inches
2 wide measured in any direction.

3 (f) All steel bars shall be no further than six inches apart.

4 17111. For purposes of Chapter 2 (commencing with Section
5 29030) of Division 7 of Title 4, use of the term “secure facility”
6 is governed by Sections 29141 and 29142.

7 17125. As used in this part, “Security Exemplar” has the same
8 meaning as in Section 922 of Title 18 of the United States Code.

9 17140. As used in Sections 16900 and 31910, “semiautomatic
10 pistol” means a pistol with an operating mode that uses the energy
11 of the explosive in a fixed cartridge to extract a fired cartridge and
12 chamber a fresh cartridge with each single pull of the trigger.

13 17160. As used in this part, a “shobi-zue” means a staff, crutch,
14 stick, rod, or pole concealing a knife or blade within it, which may
15 be exposed by a flip of the wrist or by a mechanical action.

16 17170. As used in Sections 16530 and 16640, Sections 17720
17 to 17730, inclusive, Section 17740, Article 1 (commencing with
18 Section 27500) of Chapter 4 of Division 6 of Title 4, and Article
19 1 (commencing with Section 33210) of Chapter 8 of Division 10
20 of Title 4, “short-barreled rifle” means any of the following:

21 (a) A rifle having a barrel or barrels of less than 16 inches in
22 length.

23 (b) A rifle with an overall length of less than 26 inches.

24 (c) Any weapon made from a rifle (whether by alteration,
25 modification, or otherwise) if that weapon, as modified, has an
26 overall length of less than 26 inches or a barrel or barrels of less
27 than 16 inches in length.

28 (d) Any device that may be readily restored to fire a fixed
29 cartridge which, when so restored, is a device defined in
30 subdivisions (a) to (c), inclusive.

31 (e) Any part, or combination of parts, designed and intended to
32 convert a device into a device defined in subdivisions (a) to (c),
33 inclusive, or any combination of parts from which a device defined
34 in subdivisions (a) to (c), inclusive, may be readily assembled if
35 those parts are in the possession or under the control of the same
36 person.

37 17180. As used in Sections 16530 and 16640, Sections 17720
38 to 17730, inclusive, Section 17740, Article 1 (commencing with
39 Section 27500) of Chapter 4 of Division 6 of Title 4, and Article

1 1 (commencing with Section 33210) of Chapter 8 of Division 10
2 of Title 4, “short-barreled shotgun” means any of the following:

3 (a) A firearm that is designed or redesigned to fire a fixed
4 shotgun shell and has a barrel or barrels of less than 18 inches in
5 length.

6 (b) A firearm that has an overall length of less than 26 inches
7 and that is designed or redesigned to fire a fixed shotgun shell.

8 (c) Any weapon made from a shotgun (whether by alteration,
9 modification, or otherwise) if that weapon, as modified, has an
10 overall length of less than 26 inches or a barrel or barrels of less
11 than 18 inches in length.

12 (d) Any device that may be readily restored to fire a fixed
13 shotgun shell which, when so restored, is a device defined in
14 subdivisions (a) to (c), inclusive.

15 (e) Any part, or combination of parts, designed and intended to
16 convert a device into a device defined in subdivisions (a) to (c),
17 inclusive, or any combination of parts from which a device defined
18 in subdivisions (a) to (c), inclusive, can be readily assembled if
19 those parts are in the possession or under the control of the same
20 person.

21 17190. As used in Sections 16530, 16640, 16870, and 17180,
22 Sections 17720 to 17730, inclusive, Section 17740, subdivision
23 (f) of Section 27555, Section 30215, and Article 1 (commencing
24 with Section 33210) of Chapter 8 of Division 10 of Title 4,
25 “shotgun” means a weapon designed or redesigned, made or
26 remade, and intended to be fired from the shoulder and designed
27 or redesigned and made or remade to use the energy of the
28 explosive in a fixed shotgun shell to fire through a smooth bore
29 either a number of projectiles (ball shot) or a single projectile for
30 each pull of the trigger.

31 17200. As used in this part, a “shuriken” means any instrument,
32 without handles, consisting of a metal plate having three or more
33 radiating points with one or more sharp edges and designed in the
34 shape of a polygon, trefoil, cross, star, diamond, or other geometric
35 shape, for use as a weapon for throwing.

36 17210. As used in Chapter 9 (commencing with Section 33410)
37 of Division 10 of Title 4, “silencer” means any device or
38 attachment of any kind designed, used, or intended for use in
39 silencing, diminishing, or muffling the report of a firearm. The
40 term “silencer” also includes any combination of parts, designed

1 or redesigned, and intended for use in assembling a silencer or
2 fabricating a silencer and any part intended only for use in
3 assembly or fabrication of a silencer.

4 17220. Use of the term “SKS rifle” is governed by Section
5 30710.

6 17230. As used in this part, “stun gun” means any item, except
7 a less lethal weapon, used or intended to be used as either an
8 offensive or defensive weapon that is capable of temporarily
9 immobilizing a person by the infliction of an electrical charge.

10 17235. As used in this part, “switchblade knife” means a knife
11 having the appearance of a pocketknife and includes a spring-blade
12 knife, snap-blade knife, gravity knife, or any other similar type
13 knife, the blade or blades of which are two or more inches in length
14 and which can be released automatically by a flick of a button,
15 pressure on the handle, flip of the wrist or other mechanical device,
16 or is released by the weight of the blade or by any type of
17 mechanism whatsoever. “Switchblade knife” does not include a
18 knife that opens with one hand utilizing thumb pressure applied
19 solely to the blade of the knife or a thumb stud attached to the
20 blade, provided that the knife has a detent or other mechanism that
21 provides resistance that must be overcome in opening the blade,
22 or that biases the blade back toward its closed position.

23 17240. (a) As used in this part, “tear gas” applies to and
24 includes any liquid, gaseous or solid substance intended to produce
25 temporary physical discomfort or permanent injury through being
26 vaporized or otherwise dispersed in the air.

27 (b) Notwithstanding subdivision (a), “tear gas” does not apply
28 to, and does not include, any substance registered as an economic
29 poison as provided in Chapter 2 (commencing with Section 12751)
30 of Division 7 of the Food and Agricultural Code, provided that the
31 substance is not intended to be used to produce discomfort or injury
32 to human beings.

33 17250. As used in this part, “tear gas weapon” applies to and
34 includes:

35 (a) Any shell, cartridge, or bomb capable of being discharged
36 or exploded, when the discharge or explosion will cause or permit
37 the release or emission of tear gas.

38 (b) Any revolver, pistol, fountain pen gun, billy, or other form
39 of device, portable or fixed, intended for the projection or release

1 of tear gas, except those regularly manufactured and sold for use
2 with firearm ammunition.

3 17270. As used in this part, an “unconventional pistol” means
4 a firearm with both of the following characteristics:

5 (a) It does not have a rifled bore.

6 (b) It has a barrel or barrels of less than 18 inches in length or
7 has an overall length of less than 26 inches.

8 17280. As used in this part, “undetectable firearm” means any
9 weapon that meets either of the following requirements:

10 (a) After removal of grips, stocks, and magazines, the weapon
11 is not as detectable as the Security Exemplar, by a walk-through
12 metal detector calibrated and operated to detect the Security
13 Exemplar.

14 (b) Any major component of the weapon, as defined in Section
15 922 of Title 18 of the United States Code, when subjected to
16 inspection by the types of X-ray machines commonly used at
17 airports, does not generate an image that accurately depicts the
18 shape of the component. Barium sulfate or other compounds may
19 be used in the fabrication of the component.

20 17290. As used in this part, “undetectable knife” means any
21 knife or other instrument, with or without a handguard, that satisfies
22 all of the following requirements:

23 (a) It is capable of ready use as a stabbing weapon that may
24 inflict great bodily injury or death.

25 (b) It is commercially manufactured to be used as a weapon.

26 (c) It is not detectable by a metal detector or magnetometer,
27 either handheld or otherwise, which is set at standard calibration.

28 17300. Use of the phrase “unsafe handgun” is governed by
29 Section 31910.

30 17310. As used in this part, “used firearm” means a firearm
31 that has been sold previously at retail and is more than three years
32 old.

33 17315. As used in Article 3 (commencing with Section 30345)
34 of Chapter 1 of Division 10 of Title 4, “vendor” means a handgun
35 ammunition vendor.

36 17320. For purposes of Section 31360 only, “violent felony”
37 refers to the specific crimes listed in subdivision (c) of Section
38 667.5, and to crimes defined under the applicable laws of the
39 United States or any other state, government, or country that are

1 reasonably equivalent to the crimes listed in subdivision (c) of
2 Section 667.5.

3 17330. As used in this part, “wallet gun” means any firearm
4 mounted or enclosed in a case, resembling a wallet, designed to
5 be or capable of being carried in a pocket or purse, if the firearm
6 may be fired while mounted or enclosed in the case.

7 17340. (a) As used in this part, “wholesaler” means any person
8 who is licensed as a dealer pursuant to Chapter 44 (commencing
9 with Section 921) of Title 18 of the United States Code and the
10 regulations issued pursuant thereto, who sells, transfers, or assigns
11 firearms, or parts of firearms, to persons who are licensed as
12 manufacturers, importers, or gunsmiths pursuant to Chapter 44
13 (commencing with Section 921) of Title 18 of the United States
14 Code, or persons licensed pursuant to Sections 26700 to 26915,
15 inclusive, and includes persons who receive finished parts of
16 firearms and assemble them into completed or partially completed
17 firearms in furtherance of that purpose.

18 (b) “Wholesaler” shall not include a manufacturer, importer, or
19 gunsmith who is licensed to engage in those activities pursuant to
20 Chapter 44 (commencing with Section 921) of Title 18 of the
21 United States Code or a person licensed pursuant to Sections 26700
22 to 26915, inclusive, and the regulations issued pursuant thereto.
23 A wholesaler also does not include a person dealing exclusively
24 in grips, stocks, and other parts of firearms that are not frames or
25 receivers thereof.

26 17350. As used in this part, “writing pen knife” means a device
27 that appears to be a writing pen but has concealed within it a
28 pointed, metallic shaft that is designed to be a stabbing instrument
29 which is exposed by mechanical action or gravity which locks into
30 place when extended or the pointed, metallic shaft is exposed by
31 the removal of the cap or cover on the device.

32 17360. As used in this part, “zip gun” means any weapon or
33 device that meets all of the following criteria:

34 (a) It was not imported as a firearm by an importer licensed
35 pursuant to Chapter 44 (commencing with Section 921) of Title
36 18 of the United States Code and the regulations issued pursuant
37 thereto.

38 (b) It was not originally designed to be a firearm by a
39 manufacturer licensed pursuant to Chapter 44 (commencing with

1 Section 921) of Title 18 of the United States Code and the
2 regulations issued pursuant thereto.

3 (c) No tax was paid on the weapon or device nor was an
4 exemption from paying tax on that weapon or device granted under
5 Section 4181 and Subchapters F (commencing with Section 4216)
6 and G (commencing with Section 4221) of Chapter 32 of Title 26
7 of the United States Code, as amended, and the regulations issued
8 pursuant thereto.

9 (d) It is made or altered to expel a projectile by the force of an
10 explosion or other form of combustion.

11
12 TITLE 2. WEAPONS GENERALLY

13
14 DIVISION 1. MISCELLANEOUS RULES RELATING TO
15 WEAPONS GENERALLY

16
17 17500. Every person having upon the person any deadly
18 weapon, with intent to assault another, is guilty of a misdemeanor.

19 17505. It shall be unlawful for any person, as defined in Section
20 16970, to advertise the sale of any weapon or device, the possession
21 of which is prohibited by Section 18710, 20110, 30315, 30320,
22 32625, or 33410, by Article 2 (commencing with Section 30600)
23 of Chapter 2 of Division 10 of Title 4, or by any provision listed
24 in Section 16590, in any newspaper, magazine, circular, form
25 letter, or open publication that is published, distributed, or
26 circulated in this state, or on any billboard, card, label, or other
27 advertising medium, or by means of any other advertising device.

28 17510. (a) Any person who does any of the following acts
29 while engaged in picketing, or other informational activities in a
30 public place relating to a concerted refusal to work, is guilty of a
31 misdemeanor:

32 (1) Carries concealed upon the person, or within any vehicle
33 which is under the person's control or direction, any pistol,
34 revolver, or other firearm capable of being concealed upon the
35 person.

36 (2) Carries a loaded firearm upon the person or within any
37 vehicle that is under the person's control or direction.

38 (3) Carries a deadly weapon.

(b) This section shall not be construed to authorize or ratify any picketing or other informational activities not otherwise authorized by law.

(c) The following provisions shall not be construed to authorize any conduct described in paragraph (1) of subdivision (a):

(1) Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4.

(2) Sections 25615 to 25655, inclusive.

(d) Sections 25900 to 26020, inclusive, shall not be construed to authorize any conduct described in paragraph (2) of subdivision (a).

17515. Nothing in any provision listed in Section 16580 prohibits a police officer, special police officer, peace officer, or law enforcement officer from carrying any equipment authorized for the enforcement of law or ordinance in any city or county.

DIVISION 2. GENERALLY PROHIBITED WEAPONS

CHAPTER 1. EXEMPTIONS

17700. The provisions listed in Section 16590 do not apply to any antique firearm.

17705. (a) The provisions listed in Section 16590 do not apply to any firearm or ammunition that is a curio or relic as defined in Section 478.11 of Title 27 of the Code of Federal Regulations and that is in the possession of a person permitted to possess the items under Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(b) Any person prohibited by Chapter 1 (commencing with Section 29610), Chapter 2 (commencing with Section 29800), or Chapter 3 (commencing with Section 29900) of Division 9 of Title 4 of this part, or Section 8100 or 8103 of the Welfare and Institutions Code, from possessing firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time is punishable under Chapter 1 (commencing with Section 29610), Chapter 2 (commencing with Section 29800), or Chapter 3 (commencing with Section 29900) of Division 9 of Title 4 of this part, or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title

1 to the firearms or ammunition by sale, gift, or other disposition.
2 Any person who violates this section is in violation of the
3 applicable provision listed in Section 16590.

4 17710. (a) The provisions listed in Section 16590 do not apply
5 to “any other weapon” as defined in subsection (e) of Section 5845
6 of Title 26 of the United States Code, which is in the possession
7 of a person permitted to possess the weapons under the federal
8 Gun Control Act of 1968 (Public Law 90-618), as amended, and
9 the regulations issued pursuant thereto.

10 (b) Any person prohibited by Chapter 1 (commencing with
11 Section 29610), Chapter 2 (commencing with Section 29800), or
12 Chapter 3 (commencing with Section 29900) of Division 9 of Title
13 4 of this part, or Section 8100 or 8103 of the Welfare and
14 Institutions Code, from possessing these weapons who obtains
15 title to these weapons by bequest or intestate succession may retain
16 title for not more than one year, but actual possession of these
17 weapons at any time is punishable under Chapter 1 (commencing
18 with Section 29610), Chapter 2 (commencing with Section 29800),
19 or Chapter 3 (commencing with Section 29900) of Division 9 of
20 Title 4 of this part, or Section 8100 or 8103 of the Welfare and
21 Institutions Code. Within the year, the person shall transfer title
22 to the weapons by sale, gift, or other disposition. Any person who
23 violates this section is in violation of the applicable provision listed
24 in Section 16590.

25 (c) The exemption provided by this section does not apply to a
26 pen gun.

27 17715. The provisions listed in Section 16590 do not apply to
28 any instrument or device that is possessed by a federal, state, or
29 local historical society, museum, or institutional collection that is
30 open to the public if all of the following conditions are satisfied:

31 (a) The instrument or device is properly housed.

32 (b) The instrument or device is secured from unauthorized
33 handling.

34 (c) If the instrument or device is a firearm, it is unloaded.

35 17720. The provisions listed in Section 16590 do not apply to
36 any instrument or device, other than a short-barreled rifle or a
37 short-barreled shotgun, which is possessed or used during the
38 course of a motion picture, television, or video production or
39 entertainment event by an authorized participant therein in the

1 course of making that production or event or by an authorized
2 employee or agent of the entity producing that production or event.

3 17725. The provisions listed in Section 16590 do not apply to
4 any instrument or device, other than a short-barreled rifle or a
5 short-barreled shotgun, which is sold by, manufactured by, exposed
6 or kept for sale by, possessed by, imported by, or lent by a person
7 who is in the business of selling instruments or devices listed in
8 Section 16590 solely to the entities referred to in Sections 17715
9 and 17720 when engaging in transactions with those entities.

10 17730. The provisions listed in Section 16590 do not apply to
11 any of the following:

12 (a) The sale to, possession of, or purchase of any weapon,
13 device, or ammunition, other than a short-barreled rifle or a
14 short-barreled shotgun, by any federal, state, county, city and
15 county, or city agency that is charged with the enforcement of any
16 law for use in the discharge of its official duties.

17 (b) The possession of any weapon, device, or ammunition, other
18 than a short-barreled rifle or short-barreled shotgun, by any peace
19 officer of any federal, state, county, city and county, or city agency
20 that is charged with the enforcement of any law, when the officer
21 is on duty and the use is authorized by the agency and is within
22 the course and scope of the officer's duties.

23 (c) Any weapon, device, or ammunition, other than a
24 short-barreled rifle or a short-barreled shotgun, that is sold by,
25 manufactured by, exposed or kept for sale by, possessed by,
26 imported by, or lent by, any person who is in the business of selling
27 weapons, devices, and ammunition listed in Section 16590 solely
28 to the entities referred to in subdivision (a) when engaging in
29 transactions with those entities.

30 17735. The provisions listed in Section 16590 do not apply to
31 any instrument, ammunition, weapon, or device that is not a firearm
32 and is found and possessed by a person who meets all of the
33 following:

34 (a) The person is not prohibited from possessing firearms or
35 ammunition under subdivision (a) of Section 30305 or Chapter 2
36 (commencing with Section 29800) or Chapter 3 (commencing with
37 Section 29900) of Division 9 of Title 4 of this part, or Section 8100
38 or 8103 of the Welfare and Institutions Code.

39 (b) The person possessed the instrument, ammunition, weapon,
40 or device no longer than was necessary to deliver or transport it

1 to a law enforcement agency for that agency's disposition according
2 to law.

3 (c) If the person is transporting the item, the person is
4 transporting it to a law enforcement agency for disposition
5 according to law.

6 17740. The provisions listed in Section 16590 do not apply to
7 any firearm, other than a short-barreled rifle or short-barreled
8 shotgun, which is found and possessed by a person who meets all
9 of the following:

10 (a) The person is not prohibited from possessing firearms or
11 ammunition under subdivision (a) of Section 30305 or Chapter 2
12 (commencing with Section 29800) or Chapter 3 (commencing with
13 Section 29900) of Division 9 of Title 4 of this part, or Section 8100
14 or 8103 of the Welfare and Institutions Code.

15 (b) The person possessed the firearm no longer than was
16 necessary to deliver or transport it to a law enforcement agency
17 for that agency's disposition according to law.

18 (c) If the person is transporting the firearm, the person is
19 transporting it to a law enforcement agency for disposition
20 according to law.

21 (d) Before transporting the firearm to a law enforcement agency,
22 the person has given prior notice to that law enforcement agency
23 that the person is transporting the firearm to that law enforcement
24 agency for disposition according to law.

25 (e) The firearm is transported in a locked container as defined
26 in Section 16850.

27 17745. The provisions listed in Section 16590 do not apply to
28 the possession of any weapon, device, or ammunition by a forensic
29 laboratory or by any authorized agent or employee thereof in the
30 course and scope of the person's authorized activities.

31
32 CHAPTER 2. MISCELLANEOUS PROVISIONS
33

34 17800. For purposes of the provisions listed in Section 16590,
35 a violation as to each firearm, weapon, or device enumerated in
36 any of those provisions shall constitute a distinct and separate
37 offense.

1 DIVISION 3. SURRENDER, DISPOSAL, AND ENJOINING
2 OF WEAPONS CONSTITUTING A NUISANCE
3

4 18000. (a) Any weapon described in Section 19190, 21390,
5 21590, or 25700, or, upon conviction of the defendant or upon a
6 juvenile court finding that an offense that would be a misdemeanor
7 or felony if committed by an adult was committed or attempted
8 by the juvenile with the use of a firearm, any weapon described
9 in Section 29300, shall be surrendered to one of the following:

10 (1) The sheriff of a county.

11 (2) The chief of police or other head of a municipal police
12 department of any city or city and county.

13 (3) The chief of police of any campus of the University of
14 California or the California State University.

15 (4) The Commissioner of the California Highway Patrol.

16 (b) For purposes of this section, the Commissioner of the
17 California Highway Patrol shall receive only weapons that were
18 confiscated by a member of the California Highway Patrol.

19 (c) A finding that the defendant was guilty of the offense but
20 was insane at the time the offense was committed is a conviction
21 for the purposes of this section.

22 18005. (a) An officer to whom weapons are surrendered under
23 Section 18000, except upon the certificate of a judge of a court of
24 record, or of the district attorney of the county, that the retention
25 thereof is necessary or proper to the ends of justice, may annually,
26 between the 1st and 10th days of July, in each year, offer the
27 weapons, which the officer in charge of them considers to have
28 value with respect to sporting, recreational, or collection purposes,
29 for sale at public auction to persons licensed pursuant to Sections
30 26700 to 26915, inclusive, to engage in businesses involving any
31 weapon purchased.

32 (b) If any weapon has been stolen and is thereafter recovered
33 from the thief or the thief's transferee, or is used in a manner as
34 to constitute a nuisance under Section 19190, 21390, 21590, or
35 29300, or subdivision (a) of Section 25700 without the prior
36 knowledge of its lawful owner that it would be so used, it shall
37 not be offered for sale under subdivision (a) but shall be restored
38 to the lawful owner, as soon as its use as evidence has been served,
39 upon the lawful owner's identification of the weapon and proof
40 of ownership, and after the law enforcement agency has complied

1 with Chapter 2 (commencing with Section 33850) of Division 11
2 of Title 4.

3 (c) If, under this section, a weapon is not of the type that can
4 be sold to the public, generally, or is not sold under subdivision
5 (a), the weapon, in the month of July, next succeeding, or sooner,
6 if necessary to conserve local resources, including space and
7 utilization of personnel who maintain files and security of those
8 weapons, shall be destroyed so that it can no longer be used as a
9 weapon subject to surrender under Section 18000, except upon the
10 certificate of a judge of a court of record, or of the district attorney
11 of the county, that the retention of it is necessary or proper to the
12 ends of justice.

13 (d) No stolen weapon shall be sold or destroyed pursuant to
14 subdivision (a) or (c) unless reasonable notice is given to its lawful
15 owner, if the lawful owner's identity and address can be reasonably
16 ascertained.

17 18010. (a) The Attorney General, district attorney, or city
18 attorney may bring an action to enjoin the manufacture of,
19 importation of, keeping for sale of, offering or exposing for sale,
20 giving, lending, or possession of, any item that constitutes a
21 nuisance under any of the following provisions:

- 22 (1) Section 19290, relating to metal handgrenades.
- 23 (2) Section 20390, relating to an air gauge knife.
- 24 (3) Section 20490, relating to a belt buckle knife.
- 25 (4) Section 20590, relating to a cane sword.
- 26 (5) Section 20690, relating to a lipstick case knife.
- 27 (6) Section 20790, relating to a shobi-zue.
- 28 (7) Section 20990, relating to a writing pen knife.
- 29 (8) Section 21190, relating to a ballistic knife.
- 30 (9) Section 21890, relating to metal knuckles.
- 31 (10) Section 22090, relating to a nunchaku.
- 32 (11) Section 22290, relating to a leaded cane or an instrument
33 or weapon of the kind commonly known as a billy, blackjack,
34 sandbag, sandclub, sap, or slungshot.
- 35 (12) Section 22490, relating to a shuriken.
- 36 (13) Section 24390, relating to a camouflaging firearm container.
- 37 (14) Section 24490, relating to a cane gun.
- 38 (15) Section 24590, relating to a firearm not immediately
39 recognizable as a firearm.
- 40 (16) Section 24690, relating to an undetectable firearm.

- 1 (17) Section 24790, relating to a wallet gun.
2 (18) Section 30290, relating to flechette dart ammunition and
3 to a bullet with an explosive agent.
4 (19) Section 31590, relating to an unconventional pistol.
5 (20) Section 32390, relating to a large-capacity magazine.
6 (21) Section 32990, relating to a multiburst trigger activator.
7 (22) Section 33290, relating to a short-barreled rifle or a
8 short-barreled shotgun.
9 (23) Section 33690, relating to a zip gun.
10 (b) These weapons shall be subject to confiscation and summary
11 destruction whenever found within the state.
12 (c) These weapons shall be destroyed in the same manner
13 described in Section 18005, except that upon the certification of
14 a judge or of the district attorney that the ends of justice will be
15 served thereby, the weapon shall be preserved until the necessity
16 for its use ceases.

17
18 **DIVISION 4. SEIZURE OF FIREARM OR OTHER DEADLY**
19 **WEAPON AT SCENE OF DOMESTIC VIOLENCE**

20
21 **CHAPTER 1. SEIZURE AND SUBSEQUENT PROCEDURES**
22

23 18250. If any of the following persons is at the scene of a
24 domestic violence incident involving a threat to human life or a
25 physical assault, that person shall take temporary custody of any
26 firearm or other deadly weapon in plain sight or discovered
27 pursuant to a consensual or other lawful search as necessary for
28 the protection of the peace officer or other persons present:

- 29 (a) A sheriff, undersheriff, deputy sheriff, marshal, deputy
30 marshal, or police officer of a city, as defined in subdivision (a)
31 of Section 830.1.
32 (b) A peace officer of the Department of the California Highway
33 Patrol, as defined in subdivision (a) of Section 830.2.
34 (c) A member of the University of California Police Department,
35 as defined in subdivision (b) of Section 830.2.
36 (d) An officer listed in Section 830.6, while acting in the course
37 and scope of the officer's employment as a peace officer.
38 (e) A member of a California State University Police
39 Department, as defined in subdivision (c) of Section 830.2.

1 (f) A peace officer of the Department of Parks and Recreation,
2 as defined in subdivision (f) of Section 830.2.

3 (g) A peace officer, as defined in subdivision (d) of Section
4 830.31.

5 (h) A peace officer, as defined in subdivisions (a) and (b) of
6 Section 830.32.

7 (i) A peace officer, as defined in Section 830.5.

8 18255. (a) Upon taking custody of a firearm or other deadly
9 weapon pursuant to this division, the officer shall give the owner
10 or person who possessed the firearm a receipt.

11 (b) The receipt shall describe the firearm or other deadly weapon
12 and list any identification or serial number on the firearm.

13 (c) The receipt shall indicate where the firearm or other deadly
14 weapon can be recovered, the time limit for recovery as required
15 by this division, and the date after which the owner or possessor
16 can recover the firearm or other deadly weapon.

17 18260. Any peace officer, as defined in subdivisions (a) and
18 (b) of Section 830.32, who takes custody of a firearm or deadly
19 weapon pursuant to this division, shall deliver the firearm within
20 24 hours to the city police department or county sheriff's office
21 in the jurisdiction where the college or school is located.

22 18265. (a) No firearm or other deadly weapon taken into
23 custody pursuant to this division shall be held less than 48 hours.

24 (b) Except as provided in Section 18400, if a firearm or other
25 deadly weapon is not retained for use as evidence related to
26 criminal charges brought as a result of the domestic violence
27 incident or is not retained because it was illegally possessed, the
28 firearm or other deadly weapon shall be made available to the
29 owner or person who was in lawful possession 48 hours after the
30 seizure, or as soon thereafter as possible, but no later than five
31 business days after the owner or person who was in lawful
32 possession demonstrates compliance with Chapter 2 (commencing
33 with Section 33850) of Division 11 of Title 4.

34 (c) In any civil action or proceeding for the return of any firearm,
35 ammunition, or other deadly weapon seized by any state or local
36 law enforcement agency and not returned within five business days
37 after the initial seizure, except as provided in Section 18270, the
38 court shall allow reasonable attorney's fees to the prevailing party.

39 18270. If a firearm or other deadly weapon has been stolen and
40 has been taken into custody pursuant to this division, it shall be

1 restored to the lawful owner upon satisfaction of all of the
2 following conditions:

3 (a) Its use for evidence has been served.

4 (b) The owner identifies the firearm or other deadly weapon
5 and provides proof of ownership.

6 (c) The law enforcement agency has complied with Chapter 2
7 (commencing with Section 33850) of Division 11 of Title 4.

8 18275. (a) Any firearm or other deadly weapon that has been
9 taken into custody and held by any of the following law
10 enforcement authorities for longer than 12 months, and has not
11 been recovered by the owner or person who had lawful possession
12 at the time it was taken into custody, shall be considered a nuisance
13 and sold or destroyed as provided in subdivisions (a) and (b) of
14 Section 18000 and subdivisions (a) and (b) of Section 18005:

15 (1) A police, university police, or sheriff's department.

16 (2) A marshal's office.

17 (3) A peace officer of the Department of the California Highway
18 Patrol, as defined in subdivision (a) of Section 830.2.

19 (4) A peace officer of the Department of Parks and Recreation,
20 as defined in subdivision (f) of Section 830.2.

21 (5) A peace officer, as defined in subdivision (d) of Section
22 830.31.

23 (6) A peace officer, as defined in Section 830.5.

24 (b) If a firearm or other deadly weapon is not recovered within
25 12 months due to an extended hearing process as provided in
26 Section 18420, it is not subject to destruction until the court issues
27 a decision, and then only if the court does not order the return of
28 the firearm or other deadly weapon to the owner.

29
30 CHAPTER 2. PROCEDURE WHERE AGENCY BELIEVES RETURN
31 OF WEAPON WOULD CREATE DANGER
32

33 18400. (a) When a law enforcement agency has reasonable
34 cause to believe that the return of a firearm or other deadly weapon
35 seized under this division would be likely to result in endangering
36 the victim or the person who reported the assault or threat, the
37 agency shall so advise the owner of the firearm or other deadly
38 weapon, and within 60 days of the date of seizure, initiate a petition
39 in superior court to determine if the firearm or other deadly weapon
40 should be returned.

1 (b) The law enforcement agency may make an ex parte
2 application stating good cause for an order extending the time to
3 file a petition.

4 (c) Including any extension of time granted in response to an
5 ex parte request, a petition must be filed within 90 days of the date
6 of seizure of the firearm or other deadly weapon.

7 18405. (a) If a petition is filed under Section 18400, the law
8 enforcement agency shall inform the owner or person who had
9 lawful possession of the firearm or other deadly weapon, at that
10 person's last known address, by registered mail, return receipt
11 requested, that the person has 30 days from the date of receipt of
12 the notice to respond to the court clerk to confirm the person's
13 desire for a hearing, and that the failure to respond shall result in
14 a default order forfeiting the confiscated firearm or other deadly
15 weapon.

16 (b) For purposes of this section, the person's last known address
17 shall be presumed to be the address provided to the law
18 enforcement officer by that person at the time of the family
19 violence incident.

20 (c) In the event the person whose firearm or other deadly weapon
21 was seized does not reside at the last address provided to the
22 agency, the agency shall make a diligent, good faith effort to learn
23 the whereabouts of the person and to comply with these notification
24 requirements.

25 18410. (a) If the person who receives a petition under Section
26 18405 requests a hearing, the court clerk shall set a hearing no
27 later than 30 days from receipt of that request.

28 (b) The court clerk shall notify the person, the law enforcement
29 agency involved, and the district attorney of the date, time, and
30 place of the hearing.

31 (c) Unless it is shown by a preponderance of the evidence that
32 the return of the firearm or other deadly weapon would result in
33 endangering the victim or the person reporting the assault or threat,
34 the court shall order the return of the firearm or other deadly
35 weapon and shall award reasonable attorney's fees to the prevailing
36 party.

37 18415. If the person who receives a petition under Section
38 18405 does not request a hearing or does not otherwise respond
39 within 30 days of the receipt of the notice, the law enforcement
40 agency may file a petition for an order of default and may dispose

1 of the firearm or other deadly weapon as provided in Sections
2 18000 and 18005.

3 18420. (a) If, at a hearing under Section 18410, the court does
4 not order the return of the firearm or other deadly weapon to the
5 owner or person who had lawful possession, that person may
6 petition the court for a second hearing within 12 months from the
7 date of the initial hearing.

8 (b) If there is a petition for a second hearing, unless it is shown
9 by clear and convincing evidence that the return of the firearm or
10 other deadly weapon would result in endangering the victim or the
11 person reporting the assault or threat, the court shall order the
12 return of the firearm or other deadly weapon and shall award
13 reasonable attorney's fees to the prevailing party.

14 (c) If the owner or person who had lawful possession does not
15 petition the court within this 12-month period for a second hearing
16 or is unsuccessful at the second hearing in gaining return of the
17 firearm or other deadly weapon, the firearm or other deadly weapon
18 may be disposed of as provided in Sections 18000 and 18005.

19
20 CHAPTER 3. LIABILITY

21
22 18500. The law enforcement agency, or the individual law
23 enforcement officer, shall not be liable for any act in the good faith
24 exercise of this division.

25
26 DIVISION 5. DESTRUCTIVE DEVICES, EXPLOSIVES,
27 AND SIMILAR WEAPONS

28
29 CHAPTER 1. DESTRUCTIVE DEVICES AND EXPLOSIVES
30 GENERALLY

31
32 Article 1. Prohibited Acts

33
34 18710. (a) Except as provided by this chapter, any person,
35 firm, or corporation who, within this state, possesses any
36 destructive device, other than fixed ammunition of a caliber greater
37 than .60 caliber, is guilty of a public offense.

38 (b) A person, firm, or corporation who is convicted of an offense
39 under subdivision (a) shall be punished by imprisonment in the
40 county jail for a term not to exceed one year, or in state prison, or

1 by a fine not to exceed ten thousand dollars (\$10,000), or by both
2 this fine and imprisonment.

3 18715. (a) Every person who recklessly or maliciously has in
4 possession any destructive device or any explosive in any of the
5 following places is guilty of a felony:

6 (1) On a public street or highway.

7 (2) In or near any theater, hall, school, college, church, hotel,
8 or other public building.

9 (3) In or near any private habitation.

10 (4) In, on, or near any aircraft, railway passenger train, car,
11 cable road, cable car, or vessel engaged in carrying passengers for
12 hire.

13 (5) In, on, or near any other public place ordinarily passed by
14 human beings.

15 (b) An offense under subdivision (a) is punishable by
16 imprisonment in the state prison for a period of two, four, or six
17 years.

18 18720. Every person who possesses any substance, material,
19 or any combination of substances or materials, with the intent to
20 make any destructive device or any explosive without first
21 obtaining a valid permit to make that destructive device or
22 explosive, is guilty of a felony, and is punishable by imprisonment
23 in the state prison for two, three, or four years.

24 18725. Every person who willfully does any of the following
25 is guilty of a felony and is punishable by imprisonment in the state
26 prison for two, four, or six years:

27 (a) Carries any destructive device or any explosive on any
28 vessel, aircraft, car, or other vehicle that transports passengers for
29 hire.

30 (b) While on board any vessel, aircraft, car, or other vehicle that
31 transports passengers for hire, places or carries any destructive
32 device or any explosive in any hand baggage, roll, or other
33 container.

34 (c) Places any destructive device or any explosive in any
35 baggage that is later checked with any common carrier.

36 18730. Except as provided by this chapter, any person, firm,
37 or corporation who, within this state, sells, offers for sale, or
38 knowingly transports any destructive device, other than fixed
39 ammunition of a caliber greater than .60 caliber, is guilty of a

1 felony and is punishable by imprisonment in the state prison for
2 two, three, or four years.

3 18735. (a) Except as provided by this chapter, any person,
4 firm, or corporation who, within this state, sells, offers for sale,
5 possesses or knowingly transports any fixed ammunition of a
6 caliber greater than .60 caliber is guilty of a public offense.

7 (b) Upon conviction of an offense under subdivision (a), a
8 person, firm, or corporation shall be punished by imprisonment in
9 the county jail for a term not to exceed six months or by a fine not
10 to exceed one thousand dollars (\$1,000), or by both this fine and
11 imprisonment.

12 (c) A second or subsequent conviction shall be punished by
13 imprisonment in the county jail for a term not to exceed one year,
14 or by imprisonment in the state prison, or by a fine not to exceed
15 three thousand dollars (\$3,000), or by both this fine and
16 imprisonment.

17 18740. Every person who possesses, explodes, ignites, or
18 attempts to explode or ignite any destructive device or any
19 explosive with intent to injure, intimidate, or terrify any person,
20 or with intent to wrongfully injure or destroy any property, is guilty
21 of a felony, and shall be punished by imprisonment in the state
22 prison for a period of three, five, or seven years.

23 18745. Every person who explodes, ignites, or attempts to
24 explode or ignite any destructive device or any explosive with
25 intent to commit murder is guilty of a felony, and shall be punished
26 by imprisonment in the state prison for life with the possibility of
27 parole.

28 18750. Every person who willfully and maliciously explodes
29 or ignites any destructive device or any explosive that causes bodily
30 injury to any person is guilty of a felony, and shall be punished by
31 imprisonment in the state prison for a period of five, seven, or nine
32 years.

33 18755. (a) Every person who willfully and maliciously
34 explodes or ignites any destructive device or any explosive that
35 causes the death of any person is guilty of a felony, and shall be
36 punished by imprisonment in the state prison for life without the
37 possibility of parole.

38 (b) Every person who willfully and maliciously explodes or
39 ignites any destructive device or any explosive that causes mayhem

1 or great bodily injury to any person is guilty of a felony, and shall
2 be punished by imprisonment in the state prison for life.

3 18780. A person convicted of a violation of this chapter shall
4 not be granted probation, and the execution of the sentence imposed
5 upon that person shall not be suspended by the court.

6
7 Article 2. Exemptions
8

9 18800. (a) Nothing in this chapter prohibits the sale to,
10 purchase by, or possession, transportation, storage, or use of, a
11 destructive device or explosive by any of the following:

12 (1) Any peace officer listed in Section 830.1 or 830.2, or any
13 peace officer in the Department of Justice authorized by the
14 Attorney General, while on duty and acting within the scope and
15 course of employment.

16 (2) Any member of the Army, Navy, Air Force, or Marine Corps
17 of the United States, or the National Guard, while on duty and
18 acting within the scope and course of employment.

19 (b) Nothing in this chapter prohibits the sale to, or the purchase,
20 possession, transportation, storage, or use by any person who is a
21 regularly employed and paid officer, employee, or member of a
22 fire department or fire protection or firefighting agency of the
23 federal government, the State of California, a city, county, city
24 and county, district, or other public or municipal corporation or
25 political subdivision of this state, while on duty and acting within
26 the scope and course of employment, of any equipment used by
27 that department or agency in the course of fire suppression.

28
29 Article 3. Permit and Inspection
30

31 18900. (a) Every dealer, manufacturer, importer, and exporter
32 of any destructive device, or any motion picture or television studio
33 using destructive devices in the conduct of its business, shall obtain
34 a permit for the conduct of that business from the Department of
35 Justice.

36 (b) Any person, firm, or corporation not mentioned in
37 subdivision (a) shall obtain a permit from the Department of Justice
38 in order to possess or transport any destructive device. No permit
39 shall be issued to any person who meets any of the following
40 criteria:

1 (1) Has been convicted of any felony.

2 (2) Is addicted to the use of any narcotic drug.

3 (3) Is prohibited by state or federal law from possessing,
4 receiving, owning, or purchasing a firearm.

5 (c) An application for a permit shall comply with all of the
6 following:

7 (1) It shall be filed in writing.

8 (2) It shall be signed by the applicant if an individual, or by a
9 member or officer qualified to sign if the applicant is a firm or
10 corporation.

11 (3) It shall state the name, business in which engaged, business
12 address, and a full description of the use to which the destructive
13 devices are to be put.

14 (d) Applications and permits shall be uniform throughout the
15 state on forms prescribed by the Department of Justice.

16 18905. (a) Each applicant for a permit under this article shall
17 pay at the time of filing the application a fee not to exceed the
18 application processing costs of the Department of Justice.

19 (b) A permit granted under this article may be renewed one year
20 from the date of issuance, and annually thereafter, upon the filing
21 of a renewal application and the payment of a permit renewal fee
22 not to exceed the application processing costs of the Department
23 of Justice.

24 (c) After the department establishes fees sufficient in amount
25 to cover processing costs, the amount of the fees shall only increase
26 at a rate not to exceed the legislatively approved cost-of-living
27 adjustment for the department.

28 18910. (a) Except as provided in subdivision (b), the
29 Department of Justice shall, for every person, firm, or corporation
30 to whom a permit is issued under this article, annually conduct an
31 inspection for security and safe storage purposes, and to reconcile
32 the inventory of destructive devices.

33 (b) A person, firm, or corporation with an inventory of fewer
34 than five devices that require any Department of Justice permit
35 shall be subject to an inspection for security and safe storage
36 purposes, and to reconcile inventory, once every five years, or
37 more frequently if determined by the department.

Article 4. Destructive Device Constituting Nuisance

19000. (a) Possession of any destructive device in violation of this chapter is a public nuisance.

(b) The Attorney General or district attorney of any city, county, or city and county may bring an action in the superior court to enjoin the possession of any destructive device.

(c) Any destructive device found to be in violation of this chapter shall be surrendered to the Department of Justice, or to the sheriff or chief of police, if the sheriff or chief of police has elected to perform the services required by this section. The department, sheriff, or chief of police shall destroy the destructive device so as to render it unusable and unrepairable as a destructive device, except upon the filing of a certificate with the department by a judge or district attorney stating that the preservation of the destructive device is necessary to serve the ends of justice.

CHAPTER 2. EXPLOSIVE SUBSTANCE OTHER THAN FIXED AMMUNITION

19100. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2, any person in this state who carries concealed upon the person any explosive substance, other than fixed ammunition, is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

19190. The unlawful concealed carrying upon the person of any explosive substance other than fixed ammunition, as provided in Section 19100, is a nuisance and is subject to Sections 18000 and 18005.

CHAPTER 3. HANDGRENADES

19200. (a) Except as provided in Section 19205 and Chapter 1 (commencing with Section 17700) of Division 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any metal military practice handgrenade or metal replica handgrenade is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

(b) Notwithstanding subdivision (a), a first offense involving any metal military practice handgrenade or metal replica handgrenade shall be punishable only as an infraction unless the offender is an active participant in a criminal street gang as defined in the Street Terrorism and Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1).

19205. Section 19200 does not apply to any plastic toy handgrenade, or any metal military practice handgrenade or metal replica handgrenade that is a relic, curio, memorabilia, or display item, that is filled with a permanent inert substance, or that is otherwise permanently altered in a manner that prevents ready modification for use as a grenade.

19290. Except as provided in Section 19205 and in Chapter 1 (commencing with Section 17700) of Division 2, any metal military practice handgrenade or metal replica handgrenade is a nuisance and is subject to Section 18010.

DIVISION 6. LESS LETHAL WEAPONS

19400. A person who is a peace officer or a custodial officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, may, if authorized by and under the terms and conditions as are specified by the person's employing agency, purchase, possess, or transport any less lethal weapon or ammunition for any less lethal weapon, for official use in the discharge of the person's duties.

19405. Any person who sells a less lethal weapon to a person under the age of 18 years is guilty of a misdemeanor, punishable by imprisonment in the county jail for up to six months or by a fine of not more than one thousand dollars (\$1,000), or by both that imprisonment and fine.

TITLE 3. WEAPONS AND DEVICES OTHER THAN FIREARMS

DIVISION 1. BB DEVICES

19910. Every person who sells any BB device to a minor is guilty of a misdemeanor.

1 19915. (a) Every person who furnishes any BB device to any
2 minor, without the express or implied permission of a parent or
3 legal guardian of the minor, is guilty of a misdemeanor.

4 (b) As used in this section, “furnishes” means either of the
5 following:

6 (1) A loan.

7 (2) A transfer that does not involve a sale.

8
9 DIVISION 2. BLOWGUNS

10
11 20010. Any person who knowingly manufactures, sells, offers
12 for sale, possesses, or uses a blowgun or blowgun ammunition in
13 this state is guilty of a misdemeanor.

14 20015. Nothing in this division shall prohibit the sale to,
15 purchase by, possession of, or use of any blowgun or blowgun
16 ammunition by zookeepers, animal control officers, Department
17 of Fish and Game personnel, humane officers whose names are
18 maintained in the county record of humane officers pursuant to
19 Section 14502 of the Corporations Code, or veterinarians in the
20 course and scope of their business in order to administer medicine
21 to animals.

22
23 DIVISION 3. BOOBYTRAP

24
25 20110. (a) Except as provided in Chapter 1 (commencing with
26 Section 18710) of Division 5 of Title 2, any person who assembles,
27 maintains, places, or causes to be placed a boobytrap device is
28 guilty of a felony punishable by imprisonment in the state prison
29 for two, three, or five years.

30 (b) Possession of any device with the intent to use the device
31 as a boobytrap is punishable by imprisonment in state prison, or
32 in a county jail not exceeding one year, or by a fine not exceeding
33 five thousand dollars (\$5,000), or by both that fine and
34 imprisonment.

35
36 DIVISION 4. IMITATION FIREARMS

37
38 20150. (a) Any person who changes, alters, removes, or
39 obliterates any coloration or markings that are required by any
40 applicable state or federal law or regulation, for any imitation

1 firearm, or any device described in subdivision (b) of Section
2 16700, in a way that makes the imitation firearm or device look
3 more like a firearm, is guilty of a misdemeanor.

4 (b) This section does not apply to a manufacturer, importer, or
5 distributor of imitation firearms.

6 (c) This section does not apply to lawful use in theatrical
7 productions, including motion pictures, television, and stage
8 productions.

9 20155. Any manufacturer, importer, or distributor of imitation
10 firearms that fails to comply with any applicable federal law or
11 regulation governing the marking of a toy, look-alike, or imitation
12 firearm, as defined by federal law or regulation, is guilty of a
13 misdemeanor.

14 20160. (a) Any imitation firearm manufactured after July 1,
15 2005, shall, at the time of offer for sale in this state, be
16 accompanied by a conspicuous advisory in writing as part of the
17 packaging, but not necessarily affixed to the imitation firearm, to
18 the effect that the product may be mistaken for a firearm by law
19 enforcement officers or others, that altering the coloration or
20 markings required by state or federal law or regulations so as to
21 make the product look more like a firearm is dangerous, and may
22 be a crime, and that brandishing or displaying the product in public
23 may cause confusion and may be a crime.

24 (b) Any manufacturer, importer, or distributor that fails to
25 comply with this advisory for any imitation firearm manufactured
26 after July 1, 2005, shall be liable for a civil fine for each action
27 brought by a city attorney or district attorney of not more than one
28 thousand dollars (\$1,000) for the first action, five thousand dollars
29 (\$5,000) for the second action, and ten thousand dollars (\$10,000)
30 for the third action and each subsequent action.

31 20165. (a) Any person who, for commercial purposes,
32 purchases, sells, manufactures, ships, transports, distributes, or
33 receives, by mail order or in any other manner, an imitation firearm,
34 except as authorized by this section, is liable for a civil fine in an
35 action brought by the city attorney or the district attorney of not
36 more than ten thousand dollars (\$10,000) for each violation.

37 (b) The manufacture, purchase, sale, shipping, transport,
38 distribution, or receipt, by mail or in any other manner, of an
39 imitation firearm is authorized if the device is manufactured,

1 purchased, sold, shipped, transported, distributed, or received for
2 any of the following purposes:

3 (1) Solely for export in interstate or foreign commerce.

4 (2) Solely for lawful use in theatrical productions, including
5 motion picture, television, and stage productions.

6 (3) For use in a certified or regulated sporting event or
7 competition.

8 (4) For use in military or civil defense activities, or ceremonial
9 activities.

10 (5) For public displays authorized by public or private schools.

11 20170. (a) No person may openly display or expose any
12 imitation firearm in a public place.

13 (b) As used in this section, “public place” means an area open
14 to the public and includes any of the following:

15 (1) A street.

16 (2) A sidewalk.

17 (3) A bridge.

18 (4) An alley.

19 (5) A plaza.

20 (6) A park.

21 (7) A driveway.

22 (8) A front yard.

23 (9) A parking lot.

24 (10) An automobile, whether moving or not.

25 (11) A building open to the general public, including one that
26 serves food or drink, or provides entertainment.

27 (12) A doorway or entrance to a building or dwelling.

28 (13) A public school.

29 (14) A public or private college or university.

30 20175. Section 20170 does not apply in any of the following
31 circumstances:

32 (a) The imitation firearm is packaged or concealed so that it is
33 not subject to public viewing.

34 (b) The imitation firearm is displayed or exposed in the course
35 of commerce, including a commercial film or video production,
36 or for service, repair, or restoration of the imitation firearm.

37 (c) The imitation firearm is used in a theatrical production, a
38 motion picture, video, television, or stage production.

39 (d) The imitation firearm is used in conjunction with a certified
40 or regulated sporting event or competition.

1 (e) The imitation firearm is used in conjunction with lawful
2 hunting, or a lawful pest control activity.

3 (f) The imitation firearm is used or possessed at a certified or
4 regulated public or private shooting range.

5 (g) The imitation firearm is used at a fair, exhibition, exposition,
6 or other similar activity for which a permit has been obtained from
7 a local or state government.

8 (h) The imitation firearm is used in a military, civil defense, or
9 civic activity, including a flag ceremony, color guard, parade,
10 award presentation, historical reenactment, or memorial.

11 (i) The imitation firearm is used for a public display authorized
12 by a public or private school or a display that is part of a museum
13 collection.

14 (j) The imitation firearm is used in a parade, ceremony, or other
15 similar activity for which a permit has been obtained from a local
16 or state government.

17 (k) The imitation firearm is displayed on a wall plaque or in a
18 presentation case.

19 (l) The imitation firearm is used in an area where the discharge
20 of a firearm is lawful.

21 (m) The entire exterior surface of the imitation firearm is white,
22 bright red, bright orange, bright yellow, bright green, bright blue,
23 bright pink, or bright purple, either singly or as the predominant
24 color in combination with other colors in any pattern, or the entire
25 device is constructed of transparent or translucent material that
26 permits unmistakable observation of the device's complete
27 contents. Merely having an orange tip as provided in federal law
28 and regulations does not satisfy this requirement. The entire surface
29 must be colored or transparent or translucent.

30 20180. (a) Except as provided in subdivision (b), violation of
31 Section 20170 is an infraction punishable by a fine of one hundred
32 dollars (\$100) for the first offense, and three hundred dollars (\$300)
33 for a second offense.

34 (b) A third or subsequent violation of Section 20170 is
35 punishable as a misdemeanor.

36 (c) Nothing in Section 20170, 20175, or this section shall be
37 construed to preclude prosecution for a violation of Section 171b,
38 171.5, or 626.10.

DIVISION 5. KNIVES AND SIMILAR WEAPONS

CHAPTER 1. GENERAL PROVISIONS

20200. A knife carried in a sheath that is worn openly suspended from the waist of the wearer is not concealed within the meaning of Section 16140, 16340, 17350, or 21310.

CHAPTER 2. DISGUISED OR MISLEADING APPEARANCE

Article 1. Air Gauge Knife

20310. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any air gauge knife is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

20390. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any air gauge knife is a nuisance and is subject to Section 18010.

Article 2. Belt Buckle Knife

20410. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any belt buckle knife is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

20490. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any belt buckle knife is a nuisance and is subject to Section 18010.

Article 3. Cane Sword

20510. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state

1 who manufactures or causes to be manufactured, imports into the
2 state, keeps for sale, or offers or exposes for sale, or who gives,
3 lends, or possesses any cane sword is punishable by imprisonment
4 in a county jail not exceeding one year or in the state prison.

5 20590. Except as provided in Chapter 1 (commencing with
6 Section 17700) of Division 2 of Title 2, any cane sword is a
7 nuisance and is subject to Section 18010.

8 9 Article 4. Lipstick Case Knife

10
11 20610. Except as provided in Chapter 1 (commencing with
12 Section 17700) of Division 2 of Title 2, any person in this state
13 who manufactures or causes to be manufactured, imports into the
14 state, keeps for sale, or offers or exposes for sale, or who gives,
15 lends, or possesses any lipstick case knife is punishable by
16 imprisonment in a county jail not exceeding one year or in the
17 state prison.

18 20690. Except as provided in Chapter 1 (commencing with
19 Section 17700) of Division 2 of Title 2, any lipstick case knife is
20 a nuisance and is subject to Section 18010.

21 22 Article 5. Shobi-zue

23
24 20710. Except as provided in Chapter 1 (commencing with
25 Section 17700) of Division 2 of Title 2, any person in this state
26 who manufactures or causes to be manufactured, imports into the
27 state, keeps for sale, or offers or exposes for sale, or who gives,
28 lends, or possesses any shobi-zue is punishable by imprisonment
29 in a county jail not exceeding one year or in the state prison.

30 20790. Except as provided in Chapter 1 (commencing with
31 Section 17700) of Division 2 of Title 2, any shobi-zue is a nuisance
32 and is subject to Section 18010.

33 34 Article 6. Undetectable Knife

35
36 20810. (a) Any person in this state who commercially
37 manufactures or causes to be commercially manufactured, or who
38 knowingly imports into the state for commercial sale, or who
39 knowingly exports out of this state for commercial, dealer,
40 wholesaler, or distributor sale, or who keeps for commercial sale,

1 or offers or exposes for commercial, dealer, wholesaler, or
2 distributor sale, any undetectable knife is guilty of a misdemeanor.

3 (b) Notwithstanding any other provision of law, commencing
4 January 1, 2000, all knives or other instrument with or without a
5 handguard that is capable of ready use as a stabbing weapon that
6 may inflict great bodily injury or death that are commercially
7 manufactured in this state that utilize materials that are not
8 detectable by a metal detector or magnetometer, shall be
9 manufactured to include materials that will ensure they are
10 detectable by a metal detector or magnetometer, either handheld
11 or otherwise, that is set at standard calibration.

12 20815. Section 20810 does not apply to the manufacture or
13 importation of any undetectable knife for sale to a law enforcement
14 or military entity with a valid agency, department, or unit purchase
15 order, nor does Section 20810 apply to the subsequent sale of any
16 undetectable knife to a law enforcement or military entity.

17 20820. Section 20810 does not apply to the manufacture or
18 importation of any undetectable knife for sale to a federal, state,
19 or local historical society, museum, or institutional collection that
20 is open to the public, provided that the undetectable knife is
21 properly housed and secured from unauthorized handling, nor does
22 Section 20810 apply to the subsequent sale of the knife to any of
23 these entities.

24 25 Article 7. Writing Pen Knife

26
27 20910. Except as provided in Chapter 1 (commencing with
28 Section 17700) of Division 2 of Title 2, any person in this state
29 who manufactures or causes to be manufactured, imports into the
30 state, keeps for sale, or offers or exposes for sale, or who gives,
31 lends, or possesses any writing pen knife is punishable by
32 imprisonment in a county jail not exceeding one year or in the
33 state prison.

34 20990. Except as provided in Chapter 1 (commencing with
35 Section 17700) of Division 2 of Title 2, any writing pen knife is
36 a nuisance and is subject to Section 18010.

CHAPTER 3. BALLISTIC KNIFE

21110. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any ballistic knife is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

21190. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any ballistic knife is a nuisance and is subject to Section 18010.

CHAPTER 4. DIRK OR DAGGER

21310. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who carries concealed upon the person any dirk or dagger is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

21390. The unlawful concealed carrying upon the person of any dirk or dagger, as provided in Section 21310, is a nuisance and is subject to Sections 18000 and 18005.

CHAPTER 5. SWITCHBLADE KNIFE

21510. Every person who does any of the following with a switchblade knife having a blade two or more inches in length is guilty of a misdemeanor:

(a) Possesses the knife in the passenger's or driver's area of any motor vehicle in any public place or place open to the public.

(b) Carries the knife upon the person.

(c) Sells, offers for sale, exposes for sale, loans, transfers, or gives the knife to any other person.

21590. The unlawful possession or carrying of any switchblade knife, as provided in Section 21510, is a nuisance and is subject to Sections 18000 and 18005.

DIVISION 6. KNUCKLES

CHAPTER 1. COMPOSITE KNUCKLES OR HARD WOODEN
KNUCKLES

21710. Any person in this state who possesses, commercially manufactures or causes to be commercially manufactured, or who knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any composite knuckles or hard wooden knuckles is guilty of a misdemeanor.

CHAPTER 2. METAL KNUCKLES

21810. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any metal knuckles is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

21890. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, metal knuckles are a nuisance and are subject to Section 18010.

DIVISION 7. NUNCHAKU

22010. Except as provided in Section 22015 and Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any nunchaku is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

22015. Section 22010 does not apply to either of the following:

(a) The possession of a nunchaku on the premises of a school that holds a regulatory or business license and teaches the arts of self-defense.

1 (b) The manufacture of a nunchaku for sale to, or the sale of a
2 nunchaku to, a school that holds a regulatory or business license
3 and teaches the arts of self-defense.

4 22090. Except as provided in Section 22015 and in Chapter 1
5 (commencing with Section 17700) of Division 2 of Title 2, any
6 nunchaku is a nuisance and is subject to Section 18010.

7
8 DIVISION 8. SAPS AND SIMILAR WEAPONS
9

10 22210. Except as provided in Section 22215 and Chapter 1
11 (commencing with Section 17700) of Division 2 of Title 2, any
12 person in this state who manufactures or causes to be manufactured,
13 imports into the state, keeps for sale, or offers or exposes for sale,
14 or who gives, lends, or possesses any leaded cane, or any
15 instrument or weapon of the kind commonly known as a billy,
16 blackjack, sandbag, sandclub, sap, or slungshot, is punishable by
17 imprisonment in a county jail not exceeding one year or in the
18 state prison.

19 22215. Section 22210 does not apply to the manufacture for,
20 sale to, exposing or keeping for sale to, importation of, or lending
21 of wooden clubs or batons to special police officers or uniformed
22 security guards authorized to carry any wooden club or baton
23 pursuant to Section 22295 by entities that are in the business of
24 selling wooden clubs or batons to special police officers and
25 uniformed security guards when engaging in transactions with
26 those persons.

27 22290. Except as provided in Section 22215 and in Chapter 1
28 (commencing with Section 17700) of Division 2 of Title 2, any
29 leaded cane or any instrument or weapon of the kind commonly
30 known as a billy, blackjack, sandbag, sandclub, sap, or slungshot
31 is a nuisance and is subject to Section 18010.

32 22295. (a) Nothing in any provision listed in Section 16580
33 prohibits any police officer, special police officer, peace officer,
34 or law enforcement officer from carrying any wooden club or
35 baton.

36 (b) Nothing in any provision listed in Section 16580 prohibits
37 a uniformed security guard, regularly employed and compensated
38 by a person engaged in any lawful business, while actually
39 employed and engaged in protecting and preserving property or
40 life within the scope of employment, from carrying any wooden

1 club or baton if the uniformed security guard has satisfactorily
2 completed a course of instruction certified by the Department of
3 Consumer Affairs in the carrying and use of the club or baton. The
4 training institution certified by the Department of Consumer Affairs
5 to present this course, whether public or private, is authorized to
6 charge a fee covering the cost of the training.

7 (c) The Department of Consumer Affairs, in cooperation with
8 the Commission on Peace Officer Standards and Training, shall
9 develop standards for a course in the carrying and use of a club or
10 baton.

11 (d) Any uniformed security guard who successfully completes
12 a course of instruction under this section is entitled to receive a
13 permit to carry and use a club or baton within the scope of
14 employment, issued by the Department of Consumer Affairs. The
15 department may authorize a certified training institution to issue
16 permits to carry and use a club or baton. A fee in the amount
17 provided by law shall be charged by the Department of Consumer
18 Affairs to offset the costs incurred by the department in course
19 certification, quality control activities associated with the course,
20 and issuance of the permit.

21 (e) Any person who has received a permit or certificate that
22 indicates satisfactory completion of a club or baton training course
23 approved by the Commission on Peace Officer Standards and
24 Training prior to January 1, 1983, shall not be required to obtain
25 a club or baton permit or complete a course certified by the
26 Department of Consumer Affairs.

27 (f) Any person employed as a county sheriff's or police security
28 officer, as defined in Section 831.4, shall not be required to obtain
29 a club or baton permit or to complete a course certified by the
30 Department of Consumer Affairs in the carrying and use of a club
31 or baton, provided that the person completes a course approved
32 by the Commission on Peace Officer Standards and Training in
33 the carrying and use of the club or baton, within 90 days of
34 employment.

35 (g) Nothing in any provision listed in Section 16580 prohibits
36 an animal control officer, as described in Section 830.9, or an
37 illegal dumping enforcement officer, as described in Section 830.7,
38 from carrying any wooden club or baton if the animal control
39 officer or illegal dumping enforcement officer has satisfactorily
40 completed a course of instruction certified by the Department of

1 Consumer Affairs in the carrying and use of the club or baton. The
2 training institution certified by the Department of Consumer Affairs
3 to present this course, whether public or private, is authorized to
4 charge a fee covering the cost of the training.

5
6 DIVISION 9. SHURIKEN
7

8 22410. Except as provided in Chapter 1 (commencing with
9 Section 17700) of Division 2 of Title 2, any person in this state
10 who manufactures or causes to be manufactured, imports into the
11 state, keeps for sale, or offers or exposes for sale, or who gives,
12 lends, or possesses any shuriken is punishable by imprisonment
13 in a county jail not exceeding one year or in the state prison.

14 22490. Except as provided in Chapter 1 (commencing with
15 Section 17700) of Division 2 of Title 2, any shuriken is a nuisance
16 and is subject to Section 18010.

17
18 DIVISION 10. STUN GUN
19

20 22610. Notwithstanding any other provision of law, any person
21 may purchase, possess, or use a stun gun, subject to the following
22 requirements:

23 (a) No person convicted of a felony or any crime involving an
24 assault under the laws of the United States, the State of California,
25 or any other state, government, or country, or convicted of misuse
26 of a stun gun under Section 244.5, shall purchase, possess, or use
27 any stun gun.

28 (b) No person addicted to any narcotic drug shall purchase,
29 possess, or use a stun gun.

30 (c) (1) No person shall sell or furnish any stun gun to a minor
31 unless the minor is at least 16 years of age and has the written
32 consent of the minor's parent or legal guardian.

33 (2) Violation of this subdivision shall be a public offense
34 punishable by a fifty-dollar (\$50) fine for the first offense. Any
35 subsequent violation of this subdivision is a misdemeanor.

36 (d) No minor shall possess any stun gun unless the minor is at
37 least 16 years of age and has the written consent of the minor's
38 parent or legal guardian.

39 22615. Each stun gun sold shall contain both of the following:

40 (a) The name of the manufacturer stamped on the stun gun.

1 (b) The serial number applied by the manufacturer.
2 22620. Unless otherwise specified, any violation of this division
3 is a misdemeanor.

4 22625. (a) Each stun gun sold in this state shall be
5 accompanied by an instruction booklet.

6 (b) Violation of this section shall be a public offense punishable
7 by a fifty-dollar (\$50) fine for each weapon sold without the
8 booklet.

9
10 DIVISION 11. TEAR GAS AND TEAR GAS WEAPONS

11
12 CHAPTER 1. GENERAL PROVISIONS

13
14 22810. Notwithstanding any other provision of law, any person
15 may purchase, possess, or use tear gas or any tear gas weapon for
16 the projection or release of tear gas if the tear gas or tear gas
17 weapon is used solely for self-defense purposes, subject to the
18 following requirements:

19 (a) No person convicted of a felony or any crime involving an
20 assault under the laws of the United States, the State of California,
21 or any other state, government, or country, or convicted of misuse
22 of tear gas under subdivision (g), shall purchase, possess, or use
23 tear gas or any tear gas weapon.

24 (b) No person addicted to any narcotic drug shall purchase,
25 possess, or use tear gas or any tear gas weapon.

26 (c) No person shall sell or furnish any tear gas or tear gas
27 weapon to a minor.

28 (d) No minor shall purchase, possess, or use tear gas or any tear
29 gas weapon.

30 (e) (1) No person shall purchase, possess, or use any tear gas
31 weapon that expels a projectile, or that expels the tear gas by any
32 method other than an aerosol spray, or that contains more than 2.5
33 ounces net weight of aerosol spray.

34 (2) Every tear gas container and tear gas weapon that may be
35 lawfully purchased, possessed, and used pursuant to this section
36 shall have a label that states: "WARNING: The use of this
37 substance or device for any purpose other than self-defense is a
38 crime under the law. The contents are dangerous — use with care."

39 (3) After January 1, 1984, every tear gas container and tear gas
40 weapon that may be lawfully purchased, possessed, and used

1 pursuant to this section shall have a label that discloses the date
2 on which the useful life of the tear gas weapon expires.

3 (4) Every tear gas container and tear gas weapon that may be
4 lawfully purchased pursuant to this section shall be accompanied
5 at the time of purchase by printed instructions for use.

6 (f) Effective March 1, 1994, every tear gas container and tear
7 gas weapon that may be lawfully purchased, possessed, and used
8 pursuant to this section shall be accompanied by an insert including
9 directions for use, first aid information, safety and storage
10 information, and explanation of the legal ramifications of improper
11 use of the tear gas container or tear gas product.

12 (g) (1) Except as provided in paragraph (2), any person who
13 uses tear gas or any tear gas weapon except in self-defense is guilty
14 of a public offense and is punishable by imprisonment in a state
15 prison for 16 months, or two or three years or in a county jail not
16 to exceed one year or by a fine not to exceed one thousand dollars
17 (\$1,000), or by both the fine and imprisonment.

18 (2) If the use is against a peace officer, as defined in Chapter
19 4.5 (commencing with Section 830) of Title 3 of Part 2, engaged
20 in the performance of official duties and the person committing
21 the offense knows or reasonably should know that the victim is a
22 peace officer, the offense is punishable by imprisonment in a state
23 prison for 16 months or two or three years or by a fine of one
24 thousand dollars (\$1,000), or by both the fine and imprisonment.

25 22815. (a) Notwithstanding subdivision (d) of Section 22810,
26 a minor who has attained the age of 16 years may purchase and
27 possess tear gas or a tear gas weapon pursuant to this division if
28 the minor is accompanied by a parent or guardian, or has the
29 written consent of a parent or guardian.

30 (b) Notwithstanding subdivision (c) of Section 22810, a person
31 may sell or furnish tear gas or a tear gas weapon to a minor who
32 has attained the age of 16 years and who is accompanied by a
33 parent or guardian, or who presents a statement of consent signed
34 by the minor's parent or guardian.

35 (c) Any civil liability of a minor arising out of the minor's use
36 of tear gas or a tear gas weapon other than for self-defense is
37 imposed upon the person, parent, or guardian who signed the
38 statement of consent specified in subdivision (b). That person,
39 parent, or guardian shall be jointly and severally liable with the
40 minor for any damages proximately resulting from the negligent

1 or wrongful act or omission of the minor in the use of the tear gas
2 or a tear gas weapon.

3 22820. Nothing in this division prohibits any person who is a
4 peace officer, as defined in Chapter 4.5 (commencing with Section
5 830) of Title 3 of Part 2, from purchasing, possessing, transporting,
6 or using any tear gas or tear gas weapon if the person has
7 satisfactorily completed a course of instruction approved by the
8 Commission on Peace Officer Standards and Training in the use
9 of tear gas.

10 22825. A custodial officer of a county may carry a tear gas
11 weapon pursuant to Section 22820 only while on duty. A custodial
12 officer of a county may carry a tear gas weapon while off duty
13 only in accordance with all other laws.

14 22830. Nothing in this division prohibits any member of the
15 military or naval forces of this state or of the United States or any
16 federal law enforcement officer from purchasing, possessing, or
17 transporting any tear gas or tear gas weapon for official use in the
18 discharge of duties.

19 22835. Notwithstanding any other provision of law, a person
20 holding a license as a private investigator pursuant to Chapter 11.3
21 (commencing with Section 7512) of Division 3 of the Business
22 and Professions Code, or as a private patrol operator pursuant to
23 Chapter 11.5 (commencing with Section 7580) of Division 3 of
24 the Business and Professions Code, or a uniformed patrolperson
25 employee of a private patrol operator, may purchase, possess, or
26 transport any tear gas weapon, if it is used solely for defensive
27 purposes in the course of the activity for which the license was
28 issued and if the person has satisfactorily completed a course of
29 instruction approved by the Department of Consumer Affairs in
30 the use of tear gas.

31 22840. Nothing in this division authorizes the possession of
32 tear gas or a tear gas weapon in any institution described in Section
33 4574, or within the grounds belonging or adjacent to any institution
34 described in Section 4574, except where authorized by the person
35 in charge of the institution.

1 CHAPTER 2. UNLAWFUL POSSESSION, SALE, OR
2 TRANSPORTATION

3
4 22900. Any person, firm, or corporation who within this state
5 knowingly sells or offers for sale, possesses, or transports any tear
6 gas or tear gas weapon, except as permitted under the provisions
7 of this division, is guilty of a public offense and upon conviction
8 thereof shall be punishable by imprisonment in the county jail for
9 not exceeding one year or by a fine not to exceed two thousand
10 dollars (\$2,000), or by both *that fine and imprisonment*.

11 22905. Each tear gas weapon sold, transported, or possessed
12 under the authority of this division shall bear the name of the
13 manufacturer and a serial number applied by the manufacturer.

14 22910. (a) Any person who changes, alters, removes, or
15 obliterates the name of the manufacturer, the serial number, or any
16 other mark of identification on any tear gas weapon is guilty of a
17 public offense and, upon conviction, shall be punished by
18 imprisonment in the state prison or by a fine of not more than two
19 thousand dollars (\$2,000) ~~or by both~~, or by both *that fine and*
20 *imprisonment*.

21 (b) Possession of any such weapon upon which the same shall
22 have been changed, altered, removed, or obliterated, shall be
23 presumptive evidence that such possessor has changed, altered,
24 removed, or obliterated the same.

25
26 CHAPTER 3. PERMITS

27
28 23000. The Department of Justice may issue a permit for the
29 possession and transportation of tear gas or a tear gas weapon that
30 is not intended or certified for personal self-defense purposes, upon
31 proof that good cause exists for issuance of the permit to the
32 applicant. The permit may also allow the applicant to install,
33 maintain, and operate a protective system involving the use of tear
34 gas or a tear gas weapon in any place that is accurately and
35 completely described in the permit application.

36 23005. (a) An application for a permit shall satisfy all of the
37 following requirements:

38 (1) It shall be filed in writing.

1 (2) It shall be signed by the applicant if an individual, or by a
2 member or officer qualified to sign if the applicant is a firm or
3 corporation.

4 (3) It shall state the applicant's name, business in which
5 engaged, business address, and a full description of the place or
6 vehicle in which the tear gas or tear gas weapon is to be
7 transported, kept, installed, or maintained.

8 (b) If the tear gas or tear gas weapon is to be used in connection
9 with, or to constitute, a protective system, the application shall
10 also contain the name of the person who is to install the protective
11 system.

12 (c) Applications and permits shall be uniform throughout the
13 state upon forms prescribed by the Department of Justice.

14 23010. (a) Each applicant for a permit shall pay, at the time
15 of filing the application, a fee determined by the Department of
16 Justice, not to exceed the application processing costs of the
17 Department of Justice.

18 (b) A permit granted pursuant to this chapter may be renewed
19 one year from the date of issuance, and annually thereafter, upon
20 the filing of a renewal application and the payment of a permit
21 renewal fee, not to exceed the application processing costs of the
22 Department of Justice.

23 (c) After the department establishes fees sufficient to reimburse
24 the department for processing costs, fees charged shall increase at
25 a rate not to exceed the legislatively approved annual cost-of-living
26 adjustments for the department's budget.

27 23015. (a) Notwithstanding Section 23000, a bank, a savings
28 and loan association, a credit union, or an industrial loan company
29 that maintains more than one office or branch may make a single
30 annual application for a permit.

31 (b) In addition to the requirements set forth in this chapter, an
32 application under this section shall separately state the business
33 address and a full description of each office or branch in which
34 the tear gas or tear gas weapon is to be kept, installed, or
35 maintained. Any location addition or deletion as to an office or
36 branch shall be reported to the department within 60 days of the
37 change.

38 (c) A single permit issued under this section shall allow for the
39 possession, operation, and maintenance of tear gas at each office
40 or branch named in the application, including any location change.

1 23020. Every person, firm, or corporation to whom a permit
2 is issued shall either carry the permit upon the person or keep it
3 in the place described in the permit. The permit shall be open to
4 inspection by any peace officer or other person designated by the
5 authority issuing the permit.

6 23025. A permit issued in accordance with this chapter may
7 be revoked or suspended by the issuing authority at any time when
8 it appears that the need for the possession or transportation of the
9 tear gas or tear gas weapon or protective system involving the use
10 thereof, has ceased, or that the holder of the permit has engaged
11 in an unlawful business or occupation or has wrongfully made use
12 of the tear gas or tear gas weapon or the permit issued.

13 14 TITLE 4. FIREARMS

15 16 DIVISION 1. PRELIMINARY PROVISIONS

17
18 23500. The provisions listed in Section 16580 shall be known
19 and may be cited as “The Dangerous Weapons Control Law.”

20 23505. If any section, subsection, sentence, clause, or phrase
21 of any provision listed in Section 16580 is for any reason held
22 unconstitutional, that decision does not affect the validity of any
23 other provision listed in Section 16580. The Legislature hereby
24 declares that it would have passed the provisions listed in Section
25 16580 and each section, subsection, sentence, clause, and phrase
26 of it, irrespective of the fact that any one or more other sections,
27 subsections, sentences, clauses, or phrases be declared
28 unconstitutional.

29 23510. For purposes of Sections 25400 and 26500, Sections
30 27500 to 27590, inclusive, Section 28100, Sections 29610 to
31 29750, inclusive, Sections 29800 to 29905, inclusive, and Section
32 31615 of this code, and any provision listed in subdivision (a) of
33 Section 16585 of this code, and Sections 8100, 8101, and 8103 of
34 the Welfare and Institutions Code, notwithstanding the fact that
35 the term “any firearm” may be used in those sections, each firearm
36 or the frame or receiver of each firearm constitutes a distinct and
37 separate offense under those sections.

38 23515. As used in the provisions listed in Section 16580, an
39 offense that involves the violent use of a firearm includes any of
40 the following:

1 (a) A violation of paragraph (2) or (3) of subdivision (a) of
2 Section 245 or a violation of subdivision (d) of Section 245.

3 (b) A violation of Section 246.

4 (c) A violation of paragraph (2) of subdivision (a) of Section
5 417.

6 (d) A violation of subdivision (c) of Section 417.

7 23520. Each application that requires any firearms eligibility
8 determination involving the issuance of any license, permit, or
9 certificate pursuant to this part shall include two copies of the
10 applicant's fingerprints on forms prescribed by the Department of
11 Justice. One copy of the fingerprints may be submitted to the
12 United States Federal Bureau of Investigation.

13
14 DIVISION 2. FIREARM SAFETY DEVICES, GUN SAFES,
15 AND RELATED WARNINGS
16

17 23620. This division and Sections 16540, 16610, and 16870
18 shall be known and may be cited as the "Aroner-Scott-Hayden
19 Firearms Safety Act of 1999."

20 23625. The Legislature makes the following findings:

21 (a) In the years 1987 to 1996, nearly 2,200 children in the United
22 States under the age of 15 years died in unintentional shootings.
23 In 1996 alone, 138 children were shot and killed unintentionally.
24 Thus, more than 11 children every month, or one child every three
25 days, were shot or killed unintentionally in firearms-related
26 incidents.

27 (b) The United States leads the industrialized world in the rates
28 of children and youth lost to unintentional, firearms-related deaths.
29 A 1997 study from the federal Centers for Disease Control and
30 Prevention reveals that for unintentional firearm-related deaths for
31 children under the age of 15, the rate in the United States was nine
32 times higher than in 25 other industrialized countries combined.

33 (c) While the number of unintentional deaths from firearms is
34 an unacceptable toll on America's children, nearly eight times that
35 number are treated in U.S. hospital emergency rooms each year
36 for nonfatal unintentional gunshot wounds.

37 (d) A study of unintentional firearm deaths among children in
38 California found that unintentional gunshot wounds most often
39 involve handguns.

1 (e) A study in the December 1995 issue of the Archives of
2 Pediatric and Adolescent Medicine found that children as young
3 as three years old are strong enough to fire most commercially
4 available handguns. The study revealed that 25 percent of three to
5 four year olds and 70 percent of five to six year olds had sufficient
6 finger strength to fire 59 (92 percent) of the 64 commonly available
7 handguns referenced in the study.

8 (f) The Government Accounting Office (GAO), in its March
9 1991 study, "Accidental Shootings: Many Deaths and Injuries
10 Caused by Firearms Could be Prevented," estimates that 31 percent
11 of accidental deaths caused by firearms might be prevented by the
12 addition of two safety devices: a child-resistant safety device that
13 automatically engages and a device that indicates whether the gun
14 is loaded. According to the study results, of the 107 unintentional
15 firearms-related fatalities the GAO examined for the calendar years
16 1988 and 1989, 8 percent could have been prevented had the
17 firearm been equipped with a child-resistant safety device. This 8
18 percent represents instances in which children under the age of six
19 unintentionally shot and killed themselves or other persons.

20 (g) Currently, firearms are the only products manufactured in
21 the United States that are not subject to minimum safety standards.

22 (h) A 1997 public opinion poll conducted by the National
23 Opinion Research Center at the University of Chicago in
24 conjunction with the Johns Hopkins Center for Gun Policy and
25 Research found that 74 percent of Americans support safety
26 regulation of the firearms industry.

27 (i) Some currently available trigger locks and other similar
28 devices are inadequate to prevent the accidental discharge of the
29 firearms to which they are attached, or to prevent children from
30 gaining access to the firearm.

31 23630. (a) This division does not apply to the commerce of
32 any antique firearm.

33 (b) (1) This division does not apply to the commerce of any
34 firearm intended to be used by a salaried, full-time peace officer,
35 as defined in Chapter 4.5 (commencing with Section 830) of Title
36 3 of Part 2, for purposes of law enforcement.

37 (2) Nothing in this division precludes a local government, local
38 agency, or state law enforcement agency from requiring its peace
39 officers to store their firearms in gun safes or attach firearm safety
40 devices to those firearms.

1 23635. (a) Any firearm sold or transferred in this state by a
2 licensed firearms dealer, including a private transfer through a
3 dealer, and any firearm manufactured in this state, shall include
4 or be accompanied by a firearm safety device that is listed on the
5 Department of Justice’s roster of approved firearm safety devices
6 and that is identified as appropriate for that firearm by reference
7 to either the manufacturer and model of the firearm, or to the
8 physical characteristics of the firearm that match those listed on
9 the roster for use with the device.

10 (b) The sale or transfer of a firearm shall be exempt from
11 subdivision (a) if both of the following apply:

12 (1) The purchaser or transferee owns a gun safe that meets the
13 standards set forth in Section 23650. Gun safes shall not be required
14 to be tested, and therefore may meet the standards without
15 appearing on the Department of Justice roster.

16 (2) The purchaser or transferee presents an original receipt for
17 purchase of the gun safe, or other proof of purchase or ownership
18 of the gun safe as authorized by the Attorney General, to the
19 firearms dealer. The dealer shall maintain a copy of this receipt or
20 proof of purchase with the dealer’s record of sales of firearms.

21 (c) The sale or transfer of a firearm shall be exempt from
22 subdivision (a) if all of the following apply:

23 (1) The purchaser or transferee purchases an approved safety
24 device no more than 30 days prior to the day the purchaser or
25 transferee takes possession of the firearm.

26 (2) The purchaser or transferee presents the approved safety
27 device to the firearms dealer when picking up the firearm.

28 (3) The purchaser or transferee presents an original receipt to
29 the firearms dealer, which shows the date of purchase, the name,
30 and the model number of the safety device.

31 (4) The firearms dealer verifies that the requirements in
32 paragraphs (1) to (3), inclusive, have been satisfied.

33 (5) The firearms dealer maintains a copy of the receipt along
34 with the dealer’s record of sales of firearms.

35 (d) (1) Any long-gun safe commercially sold or transferred in
36 this state, or manufactured in this state for sale in this state, that
37 does not meet the standards for gun safes adopted pursuant to
38 Section 23650 shall be accompanied by the following warning:

39 “WARNING: This gun safe does not meet the safety standards
40 for gun safes specified in California Penal Code Section 23650. It

1 does not satisfy the requirements of Penal Code Section 23635,
2 which mandates that all firearms sold in California be accompanied
3 by a firearm safety device or proof of ownership, as required by
4 law, of a gun safe that meets the Section 23650 minimum safety
5 standards developed by the California Attorney General.”

6 (2) This warning shall be conspicuously displayed in its entirety
7 on the principal display panel of the gun safe’s package, on any
8 descriptive materials that accompany the gun safe, and on a label
9 affixed to the front of the gun safe.

10 (3) This warning shall be displayed in both English and Spanish,
11 in conspicuous and legible type in contrast by typography, layout,
12 or color with other printed matter on the package or descriptive
13 materials, in a manner consistent with Part 1500.121 of Title 16
14 of the Code of Federal Regulations, or successor regulations
15 thereto.

16 (e) Any firearm sold or transferred in this state by a licensed
17 firearms dealer, including a private transfer through a dealer, and
18 any firearm manufactured in this state, shall be accompanied by
19 warning language or a label as described in Section 23640.

20 23640. (a) The packaging of any firearm and any descriptive
21 materials that accompany any firearm sold or transferred in this
22 state, or delivered for sale in this state, by any licensed
23 manufacturer, or licensed dealer, shall bear a label containing the
24 following warning statement:

25 **WARNING**

26 Children are attracted to and can operate firearms that can cause
27 severe injuries or death.

28 Prevent child access by always keeping guns locked away and
29 unloaded when not in use. If you keep a loaded firearm where a
30 child obtains and improperly uses it, you may be fined or sent to
31 prison.

32
33 A yellow triangle containing an exclamation mark shall appear
34 immediately before the word “Warning” on the label.

35 (b) If the firearm is sold or transferred without accompanying
36 packaging, the warning label or notice shall be affixed to the
37 firearm itself by a method to be prescribed by regulation of the
38 Attorney General.

39 (c) The warning statement required under subdivisions (a) and
40 (b) shall satisfy both of the following requirements:

1 (1) It shall be displayed in its entirety on the principal display
2 panel of the firearm's package, and on any descriptive materials
3 that accompany the firearm.

4 (2) It shall be displayed in both English and Spanish, in
5 conspicuous and legible type in contrast by typography, layout, or
6 color with other printed matter on that package or descriptive
7 materials, in a manner consistent with Part 1500.121 of Title 16
8 of the Code of Federal Regulations, or successor regulations
9 thereto.

10 23645. (a) Any violation of Section 23635 or Section 23640
11 is punishable by a fine of one thousand dollars (\$1,000).

12 (b) On a second violation of any of those sections, a licensed
13 firearm manufacturer shall be ineligible to manufacture, or a
14 licensed firearm dealer shall be ineligible to sell, firearms in this
15 state for 30 days, and shall be punished by a fine of one thousand
16 dollars (\$1,000).

17 (c) (1) On a third violation of any of those sections, a firearm
18 manufacturer shall be permanently ineligible to manufacture
19 firearms in this state.

20 (2) On a third violation of any of those sections, a licensed
21 firearm dealer shall be permanently ineligible to sell firearms in
22 this state.

23 23650. (a) The Attorney General shall develop regulations to
24 implement a minimum safety standard for firearm safety devices
25 and gun safes to significantly reduce the risk of firearm-related
26 injuries to children 17 years of age and younger. The final standard
27 shall do all of the following:

28 (1) Address the risk of injury from unintentional gunshot
29 wounds.

30 (2) Address the risk of injury from self-inflicted gunshot wounds
31 by unauthorized users.

32 (3) Include provisions to ensure that all firearm safety devices
33 and gun safes are reusable and of adequate quality and construction
34 to prevent children and unauthorized users from firing the firearm
35 and to ensure that these devices cannot be readily removed from
36 the firearm or that the firearm cannot be readily removed from the
37 gun safe except by an authorized user utilizing the key,
38 combination, or other method of access intended by the
39 manufacturer of the device.

40 (4) Include additional provisions as appropriate.

1 (b) The Attorney General may consult, for the purposes of
2 guidance in development of the standards, test protocols such as
3 those described in Title 16 (commencing with Part 1700) of the
4 Code of Federal Regulations, relating to poison prevention
5 packaging standards. These protocols may be consulted to provide
6 suggestions for potential methods to utilize in developing standards
7 and shall serve as guidance only. The Attorney General shall also
8 give appropriate consideration to the use of devices that are not
9 detachable, but are permanently installed and incorporated into
10 the design of a firearm.

11 (c) The Attorney General shall commence development of
12 regulations under this section no later than January 1, 2000. The
13 Attorney General shall adopt and issue regulations implementing
14 a final standard no later than January 1, 2001. The Attorney General
15 shall report to the Legislature on these standards by January 1,
16 2001. The final standard shall be effective January 1, 2002.

17 23655. (a) The Department of Justice shall certify laboratories
18 to verify compliance with standards for firearm safety devices set
19 forth in Section 23650.

20 (b) The Department of Justice may charge any laboratory that
21 is seeking certification to test firearm safety devices a fee not
22 exceeding the costs of certification, including costs associated with
23 the development and approval of regulations and standards pursuant
24 to Section 23650.

25 (c) The certified laboratory shall, at the manufacturer's or
26 dealer's expense, test a firearm safety device and submit a copy
27 of the final test report directly to the Department of Justice, along
28 with the firearm safety device. The department shall notify the
29 manufacturer or dealer of its receipt of the final test report and the
30 department's determination as to whether the firearm safety device
31 tested may be sold in this state.

32 (d) Commencing on July 1, 2001, the Department of Justice
33 shall compile, publish, and maintain a roster listing all of the
34 firearm safety devices that have been tested by a certified testing
35 laboratory, have been determined to meet the department's
36 standards for firearm safety devices, and may be sold in this state.

37 (e) The roster shall list, for each firearm safety device, the
38 manufacturer, model number, and model name.

39 (f) The department may randomly retest samples obtained from
40 sources other than directly from the manufacturer of the firearm

1 safety device listed on the roster to ensure compliance with the
2 requirements of this division.

3 (g) Firearm safety devices used for random sample testing and
4 obtained from sources other than the manufacturer shall be in new,
5 unused condition, and still in the manufacturer's original and
6 unopened package.

7 23660. (a) No person shall keep for commercial sale, offer,
8 or expose for commercial sale, or commercially sell any firearm
9 safety device that is not listed on the roster maintained pursuant
10 to subdivision (d) of Section 23655, or that does not comply with
11 the standards for firearm safety devices adopted pursuant to Section
12 23650.

13 (b) No person may distribute as part of an organized firearm
14 safety program, with or without consideration, any firearm safety
15 device that is not listed on the roster maintained pursuant to
16 subdivision (d) of Section 23655, or that does not comply with the
17 standards for firearm safety devices adopted pursuant to Section
18 23650.

19 23665. (a) No long-gun safe may be manufactured in this state
20 for sale in this state that does not comply with the standards for
21 gun safes adopted pursuant to Section 23650, unless the long-gun
22 safe is labeled by the manufacturer consistent with the requirements
23 of Section 23635.

24 (b) (1) Any person who keeps for commercial sale, offers, or
25 exposes for commercial sale, or who commercially sells a long-gun
26 safe that does not comply with the standards for gun safes adopted
27 pursuant to Section 23650, and who knows or has reason to know,
28 that the long-gun safe in question does not meet the standards for
29 gun safes adopted pursuant to Section 23650, is in violation of this
30 section, and is punishable as provided in Section 23670, unless
31 the long-gun safe is labeled pursuant to Section 23635.

32 (2) Any person who keeps for commercial sale, offers, or
33 exposes for commercial sale, or who commercially sells a long-gun
34 safe that does not comply with the standards for gun safes adopted
35 pursuant to Section 23650, and who removes or causes to be
36 removed, from the long-gun safe, the label required pursuant to
37 Section 23635, is in violation of this section, and is punishable as
38 provided in Section 23670.

39 23670. (a) (1) A violation of Section 23660 or 23665 is
40 punishable by a civil fine of up to five hundred dollars (\$500).

1 (2) A second violation of any of those sections, which occurs
2 within five years of the date of a previous offense, is punishable
3 by a civil fine of up to one thousand dollars (\$1,000) and, if the
4 violation is committed by a licensed firearms dealer, the dealer
5 shall be ineligible to sell firearms in this state for 30 days.

6 (3) A third or subsequent violation that occurs within five years
7 of two or more previous offenses is punishable by a civil fine of
8 up to five thousand dollars (\$5,000) and, if the violation is
9 committed by a licensed firearms dealer, the firearms dealer shall
10 be permanently ineligible to sell firearms in this state.

11 (b) The Attorney General, a district attorney, or a city attorney
12 may bring a civil action for a violation of Section 23660 or 23665.

13 23675. Compliance with the requirements set forth in this
14 division does not relieve any person from liability to any other
15 person as may be imposed pursuant to common law, statutory law,
16 or local ordinance.

17 23680. (a) If at any time the Attorney General determines that
18 a gun safe or firearm safety device subject to the provisions of this
19 division and sold after January 1, 2002, does not conform with the
20 standards required by subdivision (a) of Section 23635 or Section
21 23650, the Attorney General may order the recall and replacement
22 of the gun safe or firearm safety device, or order that the gun safe
23 or firearm safety device be brought into conformity with those
24 requirements.

25 (b) If the firearm safety device can be separated and reattached
26 to the firearm without damaging the firearm, the licensed
27 manufacturer or licensed firearms dealer shall immediately provide
28 a conforming replacement as instructed by the Attorney General.

29 (c) If the firearm safety device cannot be separated from the
30 firearm without damaging the firearm, the Attorney General may
31 order the recall and replacement of the firearm.

32 23685. Each lead law enforcement agency investigating an
33 incident shall report to the State Department of Health Services
34 any information obtained that reasonably supports the conclusion
35 that:

36 (a) A child 18 years of age or younger suffered an unintentional
37 or self-inflicted gunshot wound inflicted by a firearm that was sold
38 or transferred in this state, or manufactured in this state.

1 (b) Whether as a result of that incident the child died, suffered
2 serious injury, or was treated for an injury by a medical
3 professional.

4 23690. (a) (1) The Department of Justice may require each
5 dealer to charge each firearm purchaser or transferee a fee not to
6 exceed one dollar (\$1) for each firearm transaction.

7 (2) The fee shall be for the purpose of supporting department
8 program costs related to this act, including the establishment,
9 maintenance, and upgrading of related database systems and public
10 rosters.

11 (b) (1) There is hereby created within the General Fund the
12 Firearm Safety Account.

13 (2) Revenue from the fee imposed by subdivision (a) shall be
14 deposited into the Firearm Safety Account and shall be available
15 for expenditure by the Department of Justice upon appropriation
16 by the Legislature.

17 (3) Expenditures from the Firearm Safety Account shall be
18 limited to program expenditures as defined by subdivision (a).

19
20 DIVISION 3. DISGUISED OR MISLEADING APPEARANCE

21
22 CHAPTER 1. MISCELLANEOUS PROVISIONS

23
24 23800. Any person who, for commercial purposes, purchases,
25 sells, manufactures, ships, transports, distributes, or receives a
26 firearm, where the coloration of the entire exterior surface of the
27 firearm is bright orange or bright green, either singly, in
28 combination, or as the predominant color in combination with
29 other colors in any pattern, is liable for a civil fine in an action
30 brought by the city attorney of the city, or the district attorney for
31 the county, of not more than ten thousand dollars (\$10,000).

32
33 CHAPTER 2. OBLITERATION OF IDENTIFICATION MARKS

34
35 23900. Any person who changes, alters, removes, or obliterates
36 the name of the maker, model, manufacturer's number, or other
37 mark of identification, including any distinguishing number or
38 mark assigned by the Department of Justice, on any pistol, revolver,
39 or any other firearm, without first having secured written

1 permission from the department to make that change, alteration,
2 or removal shall be punished by imprisonment in the state prison.

3 23910. The Department of Justice upon request may assign a
4 distinguishing number or mark of identification to any firearm
5 whenever the firearm lacks a manufacturer's number or other mark
6 of identification, or whenever the manufacturer's number or other
7 mark of identification or a distinguishing number or mark assigned
8 by the department has been destroyed or obliterated.

9 23915. (a) Any person may place or stamp on any pistol,
10 revolver, or other firearm any number or identifying indicium,
11 provided the number or identifying indicium does not change,
12 alter, remove, or obliterate the manufacturer's name, number,
13 model, or other mark of identification.

14 (b) This section does not prohibit restoration by the owner of
15 the name of the maker or model, or of the original manufacturer's
16 number or other mark of identification, when that restoration is
17 authorized by the department.

18 (c) This section does not prevent any manufacturer from placing
19 in the ordinary course of business the name of the maker, model,
20 manufacturer's number, or other mark of identification upon a new
21 firearm.

22 23920. Except as provided in Section 23925, any person who,
23 with knowledge of any change, alteration, removal, or obliteration
24 described in this section, buys, receives, disposes of, sells, offers
25 for sale, or has in possession any pistol, revolver, or other firearm
26 that has had the name of the maker or model, or the manufacturer's
27 number or other mark of identification, including any
28 distinguishing number or mark assigned by the Department of
29 Justice, changed, altered, removed, or obliterated, is guilty of a
30 misdemeanor.

31 23925. Section 23920 does not apply to any of the following:

32 (a) The acquisition or possession of a firearm described in
33 Section 23920 by any member of the military forces of this state
34 or of the United States, while on duty and acting within the scope
35 and course of employment.

36 (b) The acquisition or possession of a firearm described in
37 Section 23920 by any peace officer described in Chapter 4.5
38 (commencing with Section 830) of Title 3 of Part 2, while on duty
39 and acting within the scope and course of employment.

1 (c) The acquisition or possession of a firearm described in
2 Section 23920 by any employee of a forensic laboratory, while on
3 duty and acting within the scope and course of employment.

4 (d) The possession and disposition of a firearm described in
5 Section 23920 by a person who meets all of the following:

6 (1) The person is not prohibited by state or federal law from
7 possessing, receiving, owning, or purchasing a firearm.

8 (2) The person possessed the firearm no longer than was
9 necessary to deliver it to a law enforcement agency for that
10 agency's disposition according to law.

11 (3) If the person is transporting the firearm, the person is
12 transporting it to a law enforcement agency in order to deliver it
13 to the agency for the agency's disposition according to law.

14 (4) If the person is transporting the firearm to a law enforcement
15 agency, the person has given prior notice to the agency that the
16 person is transporting the firearm to that agency for the agency's
17 disposition according to law.

18 (5) The firearm is transported in a locked container as defined
19 in Section 16850.

20
21 CHAPTER 3. CAMOUFLAGING FIREARM CONTAINER
22

23 24310. Except as provided in Chapter 1 (commencing with
24 Section 17700) of Division 2 of Title 2, any person in this state
25 who manufactures or causes to be manufactured, imports into the
26 state, keeps for sale, or offers or exposes for sale, or who gives,
27 lends, or possesses any camouflaging firearm container is
28 punishable by imprisonment in a county jail not exceeding one
29 year or in the state prison.

30 24390. Except as provided in Chapter 1 (commencing with
31 Section 17700) of Division 2 of Title 2, any camouflaging firearm
32 container is a nuisance and is subject to Section 18010.

33
34 CHAPTER 4. CANE GUN
35

36 24410. Except as provided in Chapter 1 (commencing with
37 Section 17700) of Division 2 of Title 2, any person in this state
38 who manufactures or causes to be manufactured, imports into the
39 state, keeps for sale, or offers or exposes for sale, or who gives,

1 lends, or possesses any cane gun is punishable by imprisonment
2 in a county jail not exceeding one year or in the state prison.

3 24490. Except as provided in Chapter 1 (commencing with
4 Section 17700) of Division 2 of Title 2, any cane gun is a nuisance
5 and is subject to Section 18010.

6
7 CHAPTER 5. FIREARM NOT IMMEDIATELY RECOGNIZABLE AS A
8 FIREARM
9

10 24510. Except as provided in Chapter 1 (commencing with
11 Section 17700) of Division 2 of Title 2, any person in this state
12 who manufactures or causes to be manufactured, imports into the
13 state, keeps for sale, or offers or exposes for sale, or who gives,
14 lends, or possesses any firearm not immediately recognizable as
15 a firearm is punishable by imprisonment in a county jail not
16 exceeding one year or in the state prison.

17 24590. Except as provided in Chapter 1 (commencing with
18 Section 17700) of Division 2 of Title 2, any firearm not
19 immediately recognizable as a firearm is a nuisance and is subject
20 to Section 18010.

21
22 CHAPTER 6. UNDETECTABLE FIREARM AND FIREARM
23 DETECTION EQUIPMENT
24

25 24610. Except as provided in Chapter 1 (commencing with
26 Section 17700) of Division 2 of Title 2, any person in this state
27 who manufactures or causes to be manufactured, imports into the
28 state, keeps for sale, or offers or exposes for sale, or who gives,
29 lends, or possesses any undetectable firearm is punishable by
30 imprisonment in a county jail not exceeding one year or in the
31 state prison.

32 24680. Any firearm detection equipment newly installed in a
33 nonfederal public building in this state shall be of a type identified
34 by either the United States Attorney General, the Secretary of
35 Transportation, or the Secretary of the Treasury, as appropriate,
36 as available state-of-the-art equipment capable of detecting an
37 undetectable firearm, while distinguishing innocuous metal objects
38 likely to be carried on one's person sufficient for reasonable
39 passage of the public.

1 24690. Except as provided in Chapter 1 (commencing with
2 Section 17700) of Division 2 of Title 2, any undetectable firearm
3 is a nuisance and is subject to Section 18010.

4
5 CHAPTER 7. WALLET GUN
6

7 24710. Except as provided in Chapter 1 (commencing with
8 Section 17700) of Division 2 of Title 2, any person in this state
9 who manufactures or causes to be manufactured, imports into the
10 state, keeps for sale, or offers or exposes for sale, or who gives,
11 lends, or possesses any wallet gun is punishable by imprisonment
12 in a county jail not exceeding one year or in the state prison.

13 24790. Except as provided in Chapter 1 (commencing with
14 Section 17700) of Division 2 of Title 2, any wallet gun is a
15 nuisance and is subject to Section 18010.

16
17 DIVISION 4. STORAGE OF FIREARMS
18

19 CHAPTER 1. PRELIMINARY PROVISIONS
20

21 25000. As used in this division, “child” means a person under
22 18 years of age.

23
24 CHAPTER 2. CRIMINAL STORAGE OF FIREARM
25

26 25100. (a) Except as provided in Section 25105, a person
27 commits the crime of “criminal storage of a firearm of the first
28 degree” if all of the following conditions are satisfied:

29 (1) The person keeps any loaded firearm within any premises
30 that are under the person’s custody or control.

31 (2) The person knows or reasonably should know that a child
32 is likely to gain access to the firearm without the permission of
33 the child’s parent or legal guardian.

34 (3) The child obtains access to the firearm and thereby causes
35 death or great bodily injury to the child or any other person.

36 (b) Except as provided in Section 25105, a person commits the
37 crime of “criminal storage of a firearm of the second degree” if
38 all of the following conditions are satisfied:

39 (1) The person keeps any loaded firearm within any premises
40 that are under the person’s custody or control.

1 (2) The person knows or reasonably should know that a child
2 is likely to gain access to the firearm without the permission of
3 the child's parent or legal guardian.

4 (3) The child obtains access to the firearm and thereby causes
5 injury, other than great bodily injury, to the child or any other
6 person, or carries the firearm either to a public place or in violation
7 of Section 417.

8 25105. Section 25100 does not apply whenever any of the
9 following occurs:

10 (a) The child obtains the firearm as a result of an illegal entry
11 to any premises by any person.

12 (b) The firearm is kept in a locked container or in a location
13 that a reasonable person would believe to be secure.

14 (c) The firearm is carried on the person or within close enough
15 proximity thereto that the individual can readily retrieve and use
16 the firearm as if carried on the person.

17 (d) The firearm is locked with a locking device, as defined in
18 Section 16860, which has rendered the firearm inoperable.

19 (e) The person is a peace officer or a member of the ~~armed~~
20 ~~forces~~ *Armed Forces* or the National Guard and the child obtains
21 the firearm during, or incidental to, the performance of the person's
22 duties.

23 (f) The child obtains, or obtains and discharges, the firearm in
24 a lawful act of self-defense or defense of another person.

25 (g) The person who keeps a loaded firearm on any premise that
26 is under the person's custody or control has no reasonable
27 expectation, based on objective facts and circumstances, that a
28 child is likely to be present on the premises.

29 25110. (a) Criminal storage of a firearm in the first degree is
30 punishable by imprisonment in the state prison for 16 months, or
31 two or three years, by a fine not exceeding ten thousand dollars
32 (\$10,000), or by both that imprisonment and fine; or by
33 imprisonment in a county jail not exceeding one year, by a fine
34 not exceeding one thousand dollars (\$1,000), or by both that
35 imprisonment and fine.

36 (b) Criminal storage of a firearm in the second degree is
37 punishable by imprisonment in a county jail not exceeding one
38 year, by a fine not exceeding one thousand dollars (\$1,000), or by
39 both that imprisonment and fine.

1 25115. If a person who allegedly violated Section 25100 is the
2 parent or guardian of a child who is injured or who dies as the
3 result of an accidental shooting, the district attorney shall consider,
4 among other factors, the impact of the injury or death on the person
5 alleged to have violated Section 25100 when deciding whether to
6 prosecute the alleged violation. It is the Legislature's intent that a
7 parent or guardian of a child who is injured or who dies as the
8 result of an accidental shooting shall be prosecuted only in those
9 instances in which the parent or guardian behaved in a grossly
10 negligent manner or where similarly egregious circumstances exist.
11 This section shall not otherwise restrict, in any manner, the factors
12 that a district attorney may consider when deciding whether to
13 prosecute an alleged violation of Section 25100.

14 25120. (a) If a person who allegedly violated Section 25100
15 is the parent or guardian of a child who was injured or who died
16 as the result of an accidental shooting, no arrest of the person for
17 the alleged violation of Section 25100 shall occur until at least
18 seven days after the date upon which the accidental shooting
19 occurred.

20 (b) In addition to the limitation stated in subdivision (a), before
21 arresting a person for a violation of Section 25100, a law
22 enforcement officer shall consider the health status of a child who
23 suffered great bodily injury as the result of an accidental shooting,
24 if the person to be arrested is the parent or guardian of the injured
25 child. The intent of this section is to encourage law enforcement
26 officials to delay the arrest of a parent or guardian of a seriously
27 injured child while the child remains on life-support equipment or
28 is in a similarly critical medical condition.

29 25125. (a) The fact that a person who allegedly violated
30 Section 25100 attended a firearm safety training course prior to
31 the purchase of the firearm that was obtained by a child in violation
32 of Section 25100 shall be considered a mitigating factor by a
33 district attorney when deciding whether to prosecute the alleged
34 violation.

35 (b) In any action or trial commenced under Section 25100, the
36 fact that the person who allegedly violated Section 25100 attended
37 a firearm safety training course prior to the purchase of the firearm
38 that was obtained by a child in violation of Section 25100 is
39 admissible.

1 25130. Every person licensed under Sections 26700 to 26915,
2 inclusive, shall post within the licensed premises the notice required
3 by Section 26835, disclosing the duty imposed by this chapter
4 upon any person who keeps a loaded firearm.

5
6 CHAPTER 3. STORAGE OF FIREARM WHERE CHILD OBTAINS
7 ACCESS AND CARRIES FIREARM OFF-PREMISES
8

9 25200. (a) If all of the following conditions are satisfied, a
10 person shall be punished by imprisonment in a county jail not
11 exceeding one year, by a fine not exceeding one thousand dollars
12 (\$1,000), or by both that imprisonment and fine:

13 (1) The person keeps a pistol, revolver, or other firearm capable
14 of being concealed upon the person, loaded or unloaded, within
15 any premises that are under the person's custody or control.

16 (2) The person knows or reasonably should know that a child
17 is likely to gain access to that firearm without the permission of
18 the child's parent or legal guardian.

19 (3) The child obtains access to that firearm and thereafter carries
20 that firearm off-premises.

21 (b) If all of the following conditions are satisfied, a person shall
22 be punished by imprisonment in a county jail not exceeding one
23 year, by a fine not exceeding five thousand dollars (\$5,000), or by
24 both that imprisonment and fine:

25 (1) The person keeps any firearm within any premises that are
26 under the person's custody or control.

27 (2) The person knows or reasonably should know that a child
28 is likely to gain access to the firearm without the permission of
29 the child's parent or legal guardian.

30 (3) The child obtains access to the firearm and thereafter carries
31 that firearm off-premises to any public or private preschool,
32 elementary school, middle school, high school, or to any
33 school-sponsored event, activity, or performance, whether
34 occurring on school grounds or elsewhere.

35 (c) A pistol, revolver, or other firearm capable of being
36 concealed upon the person that a child gains access to and carries
37 off-premises in violation of this section shall be deemed "used in
38 the commission of any misdemeanor as provided in this code or
39 any felony" for the purpose of Section 29300 regarding the

1 authority to confiscate firearms and other deadly weapons as a
2 nuisance.

3 (d) As used in this section, “off-premises” means premises other
4 than the premises where the firearm was stored.

5 25205. Section 25200 does not apply if any of the following
6 are true:

7 (a) The child obtains the firearm as a result of an illegal entry
8 into any premises by any person.

9 (b) The firearm is kept in a locked container or in a location
10 that a reasonable person would believe to be secure.

11 (c) The firearm is locked with a locking device, as defined in
12 Section 16860, which has rendered the firearm inoperable.

13 (d) The firearm is carried on the person within close enough
14 range that the individual can readily retrieve and use the firearm
15 as if carried on the person.

16 (e) The person is a peace officer or a member of the Armed
17 Forces or National Guard and the child obtains the firearm during,
18 or incidental to, the performance of the person’s duties.

19 (f) The child obtains, or obtains and discharges, the firearm in
20 a lawful act of self-defense or defense of another person.

21 (g) The person who keeps a firearm has no reasonable
22 expectation, based on objective facts and circumstances, that a
23 child is likely to be present on the premises.

24 25210. If a person who allegedly violated Section 25200 is the
25 parent or guardian of a child who is injured or who dies as the
26 result of an accidental shooting, the district attorney shall consider,
27 among other factors, the impact of the injury or death on the person
28 alleged to have violated Section 25200 when deciding whether to
29 prosecute the alleged violation. It is the Legislature’s intent that a
30 parent or guardian of a child who is injured or who dies as the
31 result of an accidental shooting shall be prosecuted only in those
32 instances in which the parent or guardian behaved in a grossly
33 negligent manner or where similarly egregious circumstances exist.
34 This section shall not otherwise restrict, in any manner, the factors
35 that a district attorney may consider when deciding whether to
36 prosecute alleged violations of Section 25200.

37 25215. (a) If a person who allegedly violated Section 25200
38 is the parent or guardian of a child who was injured or who died
39 as the result of an accidental shooting, no arrest of the person for
40 the alleged violation of Section 25200 shall occur until at least

1 seven days after the date upon which the accidental shooting
2 occurred.

3 (b) In addition to the limitation contained in subdivision (a),
4 before arresting a person for a violation of Section 25200, a law
5 enforcement officer shall consider the health status of a child who
6 suffers great bodily injury as the result of an accidental shooting,
7 if the person to be arrested is the parent or guardian of the injured
8 child. The intent of this section is to encourage law enforcement
9 officials to delay the arrest of a parent or guardian of a seriously
10 injured child while the child remains on life-support equipment or
11 is in a similarly critical medical condition.

12 25220. (a) The fact that the person who allegedly violated
13 Section 25200 attended a firearm safety training course prior to
14 the purchase of the firearm that is obtained by a child in violation
15 of Section 25200 shall be considered a mitigating factor by a
16 district attorney when deciding whether to prosecute the alleged
17 violation.

18 (b) In any action or trial commenced under Section 25200, the
19 fact that the person who allegedly violated Section 25200 attended
20 a firearm safety training course prior to the purchase of the firearm
21 that was obtained by a child in violation of Section 25200 is
22 admissible.

23 25225. Every person licensed under Sections 26700 to 26915,
24 inclusive, shall post within the licensed premises the notice required
25 by Section 26835, disclosing the duty imposed by this chapter
26 upon any person who keeps any firearm.

27 28 DIVISION 5. CARRYING FIREARMS

29 30 CHAPTER 1. MISCELLANEOUS RULES RELATING TO CARRYING 31 FIREARMS

32
33 25300. (a) A person commits criminal possession of a firearm
34 when the person carries a firearm in a public place or on any public
35 street while masked so as to hide the person's identity.

36 (b) Criminal possession of a firearm is punishable by
37 imprisonment in the state prison or by imprisonment in a county
38 jail not to exceed one year.

39 (c) Subdivision (a) does not apply to any of the following:

40 (1) A peace officer in performance of the officer's duties.

1 (2) A full-time paid peace officer of another state or the federal
2 government who is carrying out official duties while in this state.

3 (3) Any person summoned by any of the officers enumerated
4 in paragraph (1) or (2) to assist in making an arrest or preserving
5 the peace while that person is actually engaged in assisting that
6 officer.

7 (4) The possession of an unloaded firearm or a firearm loaded
8 with blank ammunition by an authorized participant in, or while
9 rehearsing for, a motion picture, television, video production,
10 entertainment event, entertainment activity, or lawfully organized
11 and conducted activity when the participant lawfully uses the
12 firearm as part of that production, event, or activity.

13 (5) The possession of a firearm by a licensed hunter while
14 actually engaged in lawful hunting, or while going directly to or
15 returning directly from the hunting expedition.

16
17 CHAPTER 2. CARRYING A CONCEALED FIREARM
18

19 Article 1. Crime of Carrying a Concealed Firearm
20

21 25400. (a) A person is guilty of carrying a concealed firearm
22 when the person does any of the following:

23 (1) Carries concealed within any vehicle that is under the
24 person's control or direction any pistol, revolver, or other firearm
25 capable of being concealed upon the person.

26 (2) Carries concealed upon the person any pistol, revolver, or
27 other firearm capable of being concealed upon the person.

28 (3) Causes to be carried concealed within any vehicle in which
29 the person is an occupant any pistol, revolver, or other firearm
30 capable of being concealed upon the person.

31 (b) A firearm carried openly in a belt holster is not concealed
32 within the meaning of this section.

33 (c) Carrying a concealed firearm in violation of this section is
34 punishable as follows:

35 (1) If the person previously has been convicted of any felony,
36 or of any crime made punishable by a provision listed in Section
37 16580, as a felony.

38 (2) If the firearm is stolen and the person knew or had reasonable
39 cause to believe that it was stolen, as a felony.

(3) If the person is an active participant in a criminal street gang, as defined in subdivision (a) of Section 186.22, under the Street Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1), as a felony.

(4) If the person is not in lawful possession of the firearm or the person is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, as a felony.

(5) If the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, by imprisonment in the state prison, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.

(6) If both of the following conditions are met, by imprisonment in the state prison, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment:

(A) The pistol, revolver, or other firearm capable of being concealed upon the person is loaded, or both it and the unexpended ammunition capable of being discharged from it are in the immediate possession of the person or readily accessible to that person.

(B) The person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of Section 11106 as the registered owner of that pistol, revolver, or other firearm capable of being concealed upon the person.

(7) In all cases other than those specified in paragraphs (1) to (6), inclusive, by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.

(d) (1) Every person convicted under this section who previously has been convicted of a misdemeanor offense enumerated in Section 23515 shall be punished by imprisonment in a county jail for at least three months and not exceeding six months, or, if granted probation, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that the person be imprisoned in a county jail for at least three months.

1 (2) Every person convicted under this section who has
2 previously been convicted of any felony, or of any crime made
3 punishable by a provision listed in Section 16580, if probation is
4 granted, or if the execution or imposition of sentence is suspended,
5 it shall be a condition thereof that the person be imprisoned in a
6 county jail for not less than three months.

7 (e) The court shall apply the three-month minimum sentence
8 as specified in subdivision (d), except in unusual cases where the
9 interests of justice would best be served by granting probation or
10 suspending the imposition or execution of sentence without the
11 minimum imprisonment required in subdivision (d) or by granting
12 probation or suspending the imposition or execution of sentence
13 with conditions other than those set forth in subdivision (d), in
14 which case, the court shall specify on the record and shall enter
15 on the minutes the circumstances indicating that the interests of
16 justice would best be served by that disposition.

17 (f) A peace officer may arrest a person for a violation of
18 paragraph (6) of subdivision (c) if the peace officer has probable
19 cause to believe that the person is not listed with the Department
20 of Justice pursuant to paragraph (1) of subdivision (c) of Section
21 11106 as the registered owner of the pistol, revolver, or other
22 firearm capable of being concealed upon the person, and one or
23 more of the conditions in subparagraph (A) of paragraph (6) of
24 subdivision (c) is met.

25
26 Article 2. Peace Officer Exemption
27

28 25450. As provided in this article, Section 25400 does not
29 apply to, or affect, any of the following:

30 (a) Any peace officer, listed in Section 830.1 or 830.2, or
31 subdivision (a) of Section 830.33, whether active or honorably
32 retired.

33 (b) Any other duly appointed peace officer.

34 (c) Any honorably retired peace officer listed in subdivision (c)
35 of Section 830.5.

36 (d) Any other honorably retired peace officer who during the
37 course and scope of employment as a peace officer was authorized
38 to, and did, carry a firearm.

1 (e) Any full-time paid peace officer of another state or the
2 federal government who is carrying out official duties while in
3 California.

4 (f) Any person summoned by any of these officers to assist in
5 making arrests or preserving the peace while the person is actually
6 engaged in assisting that officer.

7 25455. (a) Any peace officer described in Section 25450 who
8 has been honorably retired shall be issued an identification
9 certificate by the law enforcement agency from which the officer
10 retired.

11 (b) The issuing agency may charge a fee necessary to cover any
12 reasonable expenses incurred by the agency in issuing certificates
13 pursuant to this article.

14 (c) Any officer, except an officer listed in Section 830.1 or
15 830.2, subdivision (a) of Section 830.33, or subdivision (c) of
16 Section 830.5 who retired prior to January 1, 1981, shall have an
17 endorsement on the identification certificate stating that the issuing
18 agency approves the officer's carrying of a concealed firearm.

19 (d) An honorably retired peace officer listed in Section 830.1
20 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of
21 Section 830.5 who retired prior to January 1, 1981, shall not be
22 required to obtain an endorsement from the issuing agency to carry
23 a concealed firearm.

24 25460. (a) Except as provided in subdivision (b), no
25 endorsement or renewal endorsement issued pursuant to Section
26 25465 shall be effective unless it is in the format set forth in
27 subdivision (c).

28 (b) Any peace officer listed in subdivision (f) of Section 830.2
29 or in subdivision (c) of Section 830.5, who retired between January
30 2, 1981, and on or before December 31, 1988, and who is
31 authorized to carry a concealed firearm pursuant to this article,
32 shall not be required to have an endorsement in the format set forth
33 in subdivision (c) until the time of the issuance, on or after January
34 1, 1989, of a renewal endorsement pursuant to Section 25465.

35 (c) A certificate issued pursuant to Section 25455 for any person
36 who is not listed in Section 830.1 or 830.2, subdivision (a) of
37 Section 830.33, or subdivision (c) of Section 830.5, or for any
38 person retiring after January 1, 1981, shall be in the following
39 format: it shall be on a 2x3 inch card, bear the photograph of the
40 retiree, include the retiree's name, date of birth, the date that the

1 retiree retired, and the name and address of the agency from which
2 the retiree retired, and have stamped on it the endorsement “CCW
3 Approved” and the date the endorsement is to be renewed. A
4 certificate issued pursuant to Section 25455 shall not be valid as
5 identification for the sale, purchase, or transfer of a firearm.

6 25465. Every five years, a retired peace officer, except an
7 officer listed in Section 830.1 or 830.2, subdivision (a) of Section
8 830.33, or subdivision (c) of Section 830.5 who retired prior to
9 January 1, 1981, shall petition the issuing agency for renewal of
10 the officer’s privilege to carry a concealed firearm.

11 25470. (a) The agency from which a peace officer is honorably
12 retired may, upon initial retirement of that peace officer, or at any
13 time subsequent thereto, deny or revoke for good cause the retired
14 officer’s privilege to carry a concealed firearm.

15 (b) A peace officer who is listed in Section 830.1 or 830.2,
16 subdivision (a) of Section 830.33, or subdivision (c) of Section
17 830.5 who retired prior to January 1, 1981, shall have the privilege
18 to carry a concealed firearm denied or revoked by having the
19 agency from which the officer retired stamp on the officer’s
20 identification certificate “No CCW privilege.”

21 25475. (a) An honorably retired peace officer who is listed in
22 subdivision (c) of Section 830.5 and authorized to carry a concealed
23 firearm by this article shall meet the training requirements of
24 Section 832 and shall qualify with the firearm at least annually.

25 (b) The individual retired peace officer shall be responsible for
26 maintaining eligibility to carry a concealed firearm.

27 (c) The Department of Justice shall provide subsequent arrest
28 notification pursuant to Section 11105.2 regarding honorably
29 retired peace officers listed in subdivision (c) of Section 830.5 to
30 the agency from which the officer has retired.

31 32 Article 3. Conditional Exemptions

33
34 25505. In order for a firearm to be exempted under this article,
35 while being transported to or from a place, the firearm shall be
36 unloaded and kept in a locked container, and the course of travel
37 shall include only those deviations between authorized locations
38 as are reasonably necessary under the circumstances.

39 25510. Section 25400 does not apply to, or affect, any of the
40 following:

1 (a) The possession of a firearm by an authorized participant in
2 a motion picture, television, or video production, or an
3 entertainment event, when the participant lawfully uses the firearm
4 as part of that production or event, or while going directly to, or
5 coming directly from, that production or event.

6 (b) The transportation of a firearm by an authorized employee
7 or agent of a supplier of firearms when going directly to, or coming
8 directly from, a motion picture, television, or video production, or
9 an entertainment event, for the purpose of providing that firearm
10 to an authorized participant to lawfully use as a part of that
11 production or event.

12 25515. Section 25400 does not apply to, or affect, the
13 possession of a firearm in a locked container by a member of any
14 club or organization, organized for the purpose of lawfully
15 collecting and lawfully displaying pistols, revolvers, or other
16 firearms, while the member is at a meeting of the club or
17 organization or while going directly to, and coming directly from,
18 a meeting of the club or organization.

19 25520. Section 25400 does not apply to, or affect, the
20 transportation of a firearm by a participant when going directly
21 to, or coming directly from, a recognized safety or hunter safety
22 class, or a recognized sporting event involving that firearm.

23 25525. (a) Section 25400 does not apply to, or affect, the
24 transportation of a firearm by any citizen of the United States or
25 legal resident over the age of 18 years who resides or is temporarily
26 within this state, and who is not within the excepted classes
27 prescribed by Chapter 2 (commencing with Section 29800) or
28 Chapter 3 (commencing with Section 29900) of Division 9 of this
29 title, or Section 8100 or 8103 of the Welfare and Institutions Code,
30 directly between any of the following places:

31 (1) The person's place of residence.

32 (2) The person's place of business.

33 (3) Private property owned or lawfully possessed by the person.

34 (b) Section 25400 does not apply to, or affect, the transportation
35 of a firearm by a person listed in subdivision (a) when going
36 directly from the place where that person lawfully received that
37 firearm to that person's place of residence or place of business or
38 to private property owned or lawfully possessed by that person.

39 25530. Section 25400 does not apply to, or affect, the
40 transportation of a firearm by a person when going directly to, or

1 coming directly from, a fixed place of business or private
2 residential property for the purpose of the lawful repair or the
3 lawful sale, loan, or transfer of that firearm.

4 25535. Section 25400 does not apply to, or affect, any of the
5 following:

6 (a) The transportation of a firearm by a person when going
7 directly to, or coming directly from, a gun show, swap meet, or
8 similar event to which the public is invited, for the purpose of
9 displaying that firearm in a lawful manner.

10 (b) The transportation of a firearm by a person when going
11 directly to, or coming directly from, a gun show or event, as
12 defined in Section 478.100 of Title 27 of the Code of Federal
13 Regulations, for the purpose of lawfully transferring, selling, or
14 loaning that firearm in accordance with Section 27545.

15 25540. Section 25400 does not apply to, or affect, the
16 transportation of a firearm by a person when going directly to, or
17 coming directly from, a target range, which holds a regulatory or
18 business license, for the purposes of practicing shooting at targets
19 with that firearm at that target range.

20 25545. Section 25400 does not apply to, or affect, the
21 transportation of a firearm by a person when going directly to, or
22 coming directly from, a place designated by a person authorized
23 to issue licenses pursuant to Section 26150, 26155, 26170, or
24 26215, when done at the request of the issuing agency so that the
25 issuing agency can determine whether or not a license should be
26 issued to that person to carry that firearm.

27 25550. (a) Section 25400 does not apply to, or affect, the
28 transportation of a firearm by a person when going directly to, or
29 coming directly from, a lawful camping activity for the purpose
30 of having that firearm available for lawful personal protection
31 while at the lawful campsite.

32 (b) This section shall not be construed to override the statutory
33 authority granted to the Department of Parks and Recreation or
34 any other state or local governmental agencies to promulgate rules
35 and regulations governing the administration of parks and
36 campgrounds.

37 25555. Section 25400 does not apply to, or affect, the
38 transportation of a firearm by a person in order to comply with
39 Section 27870, 27875, 27915, 27920, or 27925, as it pertains to
40 that firearm.

1 25560. Section 25400 does not apply to, or affect, the
2 transportation of a firearm by a person in order to utilize Section
3 28000 as it pertains to that firearm.

4 25565. Section 25400 does not apply to, or affect, the
5 transportation of a firearm by a person in order to sell, deliver, or
6 transfer the firearm as specified in Section 27850 or 31725 to an
7 authorized representative of a city, city and county, county, or state
8 or federal government that is acquiring the weapon as part of an
9 authorized, voluntary program in which the entity is buying or
10 receiving weapons from private individuals.

11 25570. Section 25400 does not apply to, or affect, any of the
12 following:

13 (a) The transportation of a firearm by a person who finds the
14 firearm, if the person is transporting the firearm in order to comply
15 with Article 1 (commencing with Section 2080) of Chapter 4 of
16 Division 3 of the Civil Code as it pertains to that firearm, and, if
17 the person is transporting the firearm to a law enforcement agency,
18 the person gives prior notice to the law enforcement agency that
19 the person is transporting the firearm to the law enforcement
20 agency.

21 (b) The transportation of a firearm by a person who finds the
22 firearm and is transporting it to a law enforcement agency for
23 disposition according to law, if the person gives prior notice to the
24 law enforcement agency that the person is transporting the firearm
25 to the law enforcement agency for disposition according to law.

26 25575. Section 25400 does not apply to, or affect, the
27 transportation of a firearm by a person in order to comply with
28 Section 27560 as it pertains to that firearm.

29 25580. Section 25400 does not apply to, or affect, the
30 transportation of a firearm that is a curio or relic, as defined in
31 Section 478.11 of Title 27 of the Code of Federal Regulations, by
32 a person in order to comply with Section 27565 as it pertains to
33 that firearm.

34 25585. Section 25400 does not apply to, or affect, the
35 transportation of a firearm by a person for the purpose of obtaining
36 an identification number or mark assigned to that firearm from the
37 Department of Justice pursuant to Section 23910.

38 25595. This article does not prohibit or limit the otherwise
39 lawful carrying or transportation of any pistol, revolver, or other

1 firearm capable of being concealed upon the person in accordance
2 with the provisions listed in Section 16580.

3
4 Article 4. Other Exemptions
5

6 25600. (a) A violation of Section 25400 is justifiable when a
7 person who possesses a firearm reasonably believes that person is
8 in grave danger because of circumstances forming the basis of a
9 current restraining order issued by a court against another person
10 who has been found to pose a threat to the life or safety of the
11 person who possesses the firearm. This section may not apply
12 when the circumstances involve a mutual restraining order issued
13 pursuant to Division 10 (commencing with Section 6200) of the
14 Family Code absent a factual finding of a specific threat to the
15 person's life or safety. It is not the intent of the Legislature to limit,
16 restrict, or narrow the application of current statutory or judicial
17 authority to apply this or other justifications to a defendant charged
18 with violating Section 25400 or committing another similar offense.

19 (b) Upon trial for violating Section 25400, the trier of fact shall
20 determine whether the defendant was acting out of a reasonable
21 belief that the defendant was in grave danger.

22 25605. (a) Section 25400 shall not apply to or affect any citizen
23 of the United States or legal resident over the age of 18 years who
24 resides or is temporarily within this state, and who is not within
25 the excepted classes prescribed by Chapter 2 (commencing with
26 Section 29800) or Chapter 3 (commencing with Section 29900)
27 of Division 9 of this title, or Section 8100 or 8103 of the Welfare
28 and Institutions Code, who carries, either openly or concealed,
29 anywhere within the citizen's or legal resident's place of residence,
30 place of business, or on private property owned or lawfully
31 possessed by the citizen or legal resident, any pistol, revolver, or
32 other firearm capable of being concealed upon the person.

33 (b) No permit or license to purchase, own, possess, keep, or
34 carry, either openly or concealed, shall be required of any citizen
35 of the United States or legal resident over the age of 18 years who
36 resides or is temporarily within this state, and who is not within
37 the excepted classes prescribed by Chapter 2 (commencing with
38 Section 29800) or Chapter 3 (commencing with Section 29900)
39 of Division 9 of this title, or Section 8100 or 8103 of the Welfare
40 and Institutions Code, to purchase, own, possess, keep, or carry,

1 either openly or concealed, a pistol, revolver, or other firearm
2 capable of being concealed upon the person within the citizen's
3 or legal resident's place of residence, place of business, or on
4 private property owned or lawfully possessed by the citizen or
5 legal resident.

6 (c) Nothing in this section shall be construed as affecting the
7 application of Sections 25850 to 26055, inclusive.

8 25610. (a) Section 25400 shall not be construed to prohibit
9 any citizen of the United States over the age of 18 years who
10 resides or is temporarily within this state, and who is not prohibited
11 by state or federal law from possessing, receiving, owning, or
12 purchasing a firearm, from transporting or carrying any pistol,
13 revolver, or other firearm capable of being concealed upon the
14 person, provided that the following applies to the firearm:

15 (1) The firearm is within a motor vehicle and it is locked in the
16 vehicle's trunk or in a locked container in the vehicle.

17 (2) The firearm is carried by the person directly to or from any
18 motor vehicle for any lawful purpose and, while carrying the
19 firearm, the firearm is contained within a locked container.

20 (b) The provisions of this section do not prohibit or limit the
21 otherwise lawful carrying or transportation of any pistol, revolver,
22 or other firearm capable of being concealed upon the person in
23 accordance with the provisions listed in Section 16580.

24 25615. Section 25400 does not apply to, or affect, the
25 possession or transportation of unloaded pistols, revolvers, or other
26 firearms capable of being concealed upon the person as
27 merchandise by a person who is engaged in the business of
28 manufacturing, importing, wholesaling, repairing, or dealing in
29 firearms and who is licensed to engage in that business, or the
30 authorized representative or authorized agent of that person, while
31 engaged in the lawful course of the business.

32 25620. Section 25400 does not apply to, or affect, any member
33 of the Army, Navy, Air Force, Coast Guard, or Marine Corps of
34 the United States, or the National Guard, when on duty, or any
35 organization that is by law authorized to purchase or receive those
36 weapons from the United States or this state.

37 25625. Section 25400 does not apply to, or affect, the carrying
38 of unloaded pistols, revolvers, or other firearms capable of being
39 concealed upon the person by duly authorized military or civil

1 organizations while parading, or the members thereof when going
2 to and from the places of meeting of their respective organizations.

3 25630. Section 25400 does not apply to, or affect, any guard
4 or messenger of any common carrier, bank, or other financial
5 institution, while actually employed in and about the shipment,
6 transportation, or delivery of any money, treasure, bullion, bonds,
7 or other thing of value within this state.

8 25635. Section 25400 does not apply to, or affect, members
9 of any club or organization organized for the purpose of practicing
10 shooting at targets upon established target ranges, whether public
11 or private, while the members are using pistols, revolvers, or other
12 firearms capable of being concealed upon the person upon the
13 target ranges, or transporting these firearms unloaded when going
14 to and from the ranges.

15 25640. Section 25400 does not apply to, or affect, licensed
16 hunters or fishermen carrying pistols, revolvers, or other firearms
17 capable of being concealed upon the person while engaged in
18 hunting or fishing, or transporting those firearms unloaded when
19 going to or returning from the hunting or fishing expedition.

20 25645. Section 25400 does not apply to, or affect, the
21 transportation of unloaded firearms by a person operating a licensed
22 common carrier or an authorized agent or employee thereof when
23 the firearms are transported in conformance with applicable federal
24 law.

25 25650. (a) Upon approval of the sheriff of the county in which
26 the retiree resides, Section 25400 does not apply to, or affect, any
27 honorably retired federal officer or agent of any federal law
28 enforcement agency, including, but not limited to, the Federal
29 Bureau of Investigation, the Secret Service, the United States
30 Customs Service, the Federal Bureau of Alcohol, Tobacco, and
31 Firearms, the Federal Bureau of Narcotics, the Drug Enforcement
32 Administration, the United States Border Patrol, and any officer
33 or agent of the Internal Revenue Service who was authorized to
34 carry weapons while on duty, who was assigned to duty within the
35 state for a period of not less than one year, or who retired from
36 active service in the state.

37 (b) A retired federal officer or agent shall provide the sheriff
38 with certification from the agency from which the officer or agent
39 retired certifying that person's service in the state, the nature of
40 that person's retirement, and indicating the agency's concurrence

1 that the retired federal officer or agent should be accorded the
2 privilege of carrying a concealed firearm.

3 (c) Upon that approval, the sheriff shall issue a permit to the
4 retired federal officer or agent indicating that the retiree may carry
5 a concealed firearm in accordance with this section. The permit
6 shall be valid for a period not exceeding five years, shall be carried
7 by the retiree while carrying a concealed firearm, and may be
8 revoked for good cause.

9 (d) The sheriff of the county in which the retired federal officer
10 or agent resides may require recertification prior to a permit
11 renewal, and may suspend the privilege for cause. The sheriff may
12 charge a fee necessary to cover any reasonable expenses incurred
13 by the county.

14 25655. Section 25400 does not apply to, or affect, the carrying
15 of a pistol, revolver, or other firearm capable of being concealed
16 upon the person by a person who is authorized to carry that weapon
17 in a concealed manner pursuant to Chapter 4 (commencing with
18 Section 26150).

19 Article 5. Concealed Carrying of Firearm as a Nuisance

21 25700. (a) The unlawful carrying of any handgun in violation
22 of Section 25400 is a nuisance and is subject to Sections 18000
23 and 18005.

24 (b) This section does not apply to any of the following:

25 (1) Any firearm in the possession of the Department of Fish and
26 Game.

27 (2) Any firearm that was used in the violation of any provision
28 of the Fish and Game Code or any regulation adopted pursuant
29 thereto.

30 (3) Any firearm that is forfeited pursuant to Section 5008.6 of
31 the Public Resources Code.

32 CHAPTER 3. CARRYING A LOADED FIREARM

33 Article 1. Armed Criminal Action

34 25800. (a) Every person who carries a loaded firearm with the
35 intent to commit a felony is guilty of armed criminal action.
36
37
38
39

1 (b) Armed criminal action is punishable by imprisonment in a
2 county jail not exceeding one year, or in the state prison.

3
4 Article 2. Crime of Carrying a Loaded Firearm in Public
5

6 25850. (a) A person is guilty of carrying a loaded firearm
7 when the person carries a loaded firearm on the person or in a
8 vehicle while in any public place or on any public street in an
9 incorporated city or in any public place or on any public street in
10 a prohibited area of unincorporated territory.

11 (b) In order to determine whether or not a firearm is loaded for
12 the purpose of enforcing this section, peace officers are authorized
13 to examine any firearm carried by anyone on the person or in a
14 vehicle while in any public place or on any public street in an
15 incorporated city or prohibited area of an unincorporated territory.
16 Refusal to allow a peace officer to inspect a firearm pursuant to
17 this section constitutes probable cause for arrest for violation of
18 this section.

19 (c) Carrying a loaded firearm in violation of this section is
20 punishable, as follows:

21 (1) Where the person previously has been convicted of any
22 felony, or of any crime made punishable by a provision listed in
23 Section 16580, as a felony.

24 (2) Where the firearm is stolen and the person knew or had
25 reasonable cause to believe that it was stolen, as a felony.

26 (3) Where the person is an active participant in a criminal street
27 gang, as defined in subdivision (a) of Section 186.22, under the
28 Street Terrorism Enforcement and Prevention Act (Chapter 11
29 (commencing with Section 186.20) of Title 7 of Part 1), as a felony.

30 (4) Where the person is not in lawful possession of the firearm,
31 or is within a class of persons prohibited from possessing or
32 acquiring a firearm pursuant to Chapter 2 (commencing with
33 Section 29800) or Chapter 3 (commencing with Section 29900)
34 of Division 9 of this title, or Section 8100 or 8103 of the Welfare
35 and Institutions Code, as a felony.

36 (5) Where the person has been convicted of a crime against a
37 person or property, or of a narcotics or dangerous drug violation,
38 by imprisonment in the state prison, or by imprisonment in a county
39 jail not to exceed one year, by a fine not to exceed one thousand
40 dollars (\$1,000), or by both that imprisonment and fine.

1 (6) Where the person is not listed with the Department of Justice
2 pursuant to Section 11106 as the registered owner of the handgun,
3 by imprisonment in the state prison, or by imprisonment in a county
4 jail not to exceed one year, or by a fine not to exceed one thousand
5 dollars (\$1,000), or both that fine and imprisonment.

6 (7) In all cases other than those specified in paragraphs (1) to
7 (6), inclusive, as a misdemeanor, punishable by imprisonment in
8 a county jail not to exceed one year, by a fine not to exceed one
9 thousand dollars (\$1,000), or by both that imprisonment and fine.

10 (d) (1) Every person convicted under this section who has
11 previously been convicted of an offense enumerated in Section
12 23515, or of any crime made punishable under a provision listed
13 in Section 16580, shall serve a term of at least three months in a
14 county jail, or, if granted probation or if the execution or imposition
15 of sentence is suspended, it shall be a condition thereof that the
16 person be imprisoned for a period of at least three months.

17 (2) The court shall apply the three-month minimum sentence
18 except in unusual cases where the interests of justice would best
19 be served by granting probation or suspending the imposition or
20 execution of sentence without the minimum imprisonment required
21 in this section or by granting probation or suspending the
22 imposition or execution of sentence with conditions other than
23 those set forth in this section, in which case, the court shall specify
24 on the record and shall enter on the minutes the circumstances
25 indicating that the interests of justice would best be served by that
26 disposition.

27 (e) A violation of this section that is punished by imprisonment
28 in a county jail not exceeding one year shall not constitute a
29 conviction of a crime punishable by imprisonment for a term
30 exceeding one year for the purposes of determining federal firearms
31 eligibility under Section 922(g)(1) of Title 18 of the United States
32 Code.

33 (f) Nothing in this section, or in Article 3 (commencing with
34 Section 25900) or Article 4 (commencing with Section 26000),
35 shall preclude prosecution under Chapter 2 (commencing with
36 Section 29800) or Chapter 3 (commencing with Section 29900)
37 of Division 9 of this title, Section 8100 or 8103 of the Welfare and
38 Institutions Code, or any other law with a greater penalty than this
39 section.

1 (g) Notwithstanding paragraphs (2) and (3) of subdivision (a)
2 of Section 836, a peace officer may make an arrest without a
3 warrant:

4 (1) When the person arrested has violated this section, although
5 not in the officer's presence.

6 (2) Whenever the officer has reasonable cause to believe that
7 the person to be arrested has violated this section, whether or not
8 this section has, in fact, been violated.

9 (h) A peace officer may arrest a person for a violation of
10 paragraph (6) of subdivision (c), if the peace officer has probable
11 cause to believe that the person is carrying a handgun in violation
12 of this section and that person is not listed with the Department of
13 Justice pursuant to paragraph (1) of subdivision (c) of Section
14 11106 as the registered owner of that handgun.

15
16 Article 3. Peace Officer Exemption to the Crime of Carrying a
17 Loaded Firearm in Public
18

19 25900. As provided in this article, Section 25850 does not
20 apply to any of the following:

21 (a) Any peace officer, listed in Section 830.1 or 830.2, or
22 subdivision (a) of Section 830.33, whether active or honorably
23 retired.

24 (b) Any other duly appointed peace officer.

25 (c) Any honorably retired peace officer listed in subdivision (c)
26 of Section 830.5.

27 (d) Any other honorably retired peace officer who during the
28 course and scope of employment as a peace officer was authorized
29 to, and did, carry a firearm.

30 (e) Any full-time paid peace officer of another state or the
31 federal government who is carrying out official duties while in
32 California.

33 (f) Any person summoned by any of these officers to assist in
34 making arrests or preserving the peace while the person is actually
35 engaged in assisting that officer.

36 25905. (a) Any peace officer described in Section 25900 who
37 has been honorably retired shall be issued an identification
38 certificate by the law enforcement agency from which the officer
39 has retired.

1 (b) The issuing agency may charge a fee necessary to cover any
2 reasonable expenses incurred by the agency in issuing certificates
3 pursuant to Sections 25900, 25910, 25925, and this section.

4 (c) Any officer, except an officer listed in Section 830.1 or
5 830.2, subdivision (a) of Section 830.33, or subdivision (c) of
6 Section 830.5 who retired prior to January 1, 1981, shall have an
7 endorsement on the identification certificate stating that the issuing
8 agency approves the officer's carrying of a loaded firearm.

9 (d) An honorably retired peace officer listed in Section 830.1
10 or 830.2, subdivision (a) of Section 830.33, or subdivision (c) of
11 Section 830.5 who retired prior to January 1, 1981, shall not be
12 required to obtain an endorsement from the issuing agency to carry
13 a loaded firearm.

14 25910. (a) Except as provided in subdivision (b), no
15 endorsement or renewal endorsement issued pursuant to Section
16 25915 shall be effective unless it is in the format set forth in
17 subdivision (c) of Section 25460.

18 (b) Any peace officer listed in subdivision (f) of Section 830.2
19 or in subdivision (c) of Section 830.5, who is retired between
20 January 2, 1981, and on or before December 31, 1988, and who
21 is authorized to carry a loaded firearm pursuant to this article, shall
22 not be required to have an endorsement in the format set forth in
23 subdivision (c) of Section 25460 until the time of the issuance, on
24 or after January 1, 1989, of a renewal endorsement pursuant to
25 Section 25915.

26 25915. Every five years, a retired peace officer, except an
27 officer listed in Section 830.1 or 830.2, subdivision (a) of Section
28 830.33, or subdivision (c) of Section 830.5 who retired prior to
29 January 1, 1981, shall petition the issuing agency for renewal of
30 the privilege to carry a loaded firearm.

31 25920. (a) The agency from which a peace officer is honorably
32 retired may, upon initial retirement of the peace officer, or at any
33 time subsequent thereto, deny or revoke for good cause the retired
34 officer's privilege to carry a loaded firearm.

35 (b) A peace officer who is listed in Section 830.1 or 830.2,
36 subdivision (a) of Section 830.33, or subdivision (c) of Section
37 830.5 who is retired prior to January 1, 1981, shall have the
38 privilege to carry a loaded firearm denied or revoked by having
39 the agency from which the officer retired stamp on the officer's
40 identification certificate "No CCW privilege."

1 25925. (a) An honorably retired peace officer who is listed in
2 subdivision (c) of Section 830.5 and authorized to carry a loaded
3 firearm by this article shall meet the training requirements of
4 Section 832 and shall qualify with the firearm at least annually.

5 (b) The individual retired peace officer shall be responsible for
6 maintaining eligibility to carry a loaded firearm.

7 (c) The Department of Justice shall provide subsequent arrest
8 notification pursuant to Section 11105.2 regarding honorably
9 retired peace officers listed in subdivision (c) of Section 830.5 to
10 the agency from which the officer has retired.

11
12 Article 4. Other Exemptions to the Crime of Carrying a Loaded
13 Firearm in Public
14

15 26000. Section 25850 does not apply to members of the military
16 forces of this state or of the United States engaged in the
17 performance of their duties.

18 26005. Section 25850 does not apply to either of the following:

19 (a) Persons who are using target ranges for the purpose of
20 practice shooting with a firearm.

21 (b) Members of shooting clubs while hunting on the premises
22 of those clubs.

23 26010. Section 25850 does not apply to the carrying of any
24 handgun by any person as authorized pursuant to Chapter 4
25 (commencing with Section 26150) of Division 5.

26 26015. Section 25850 does not apply to any armored vehicle
27 guard, as defined in Section 7582.1 of the Business and Professions
28 Code, if either of the following conditions is satisfied:

29 (a) The guard was hired prior to January 1, 1977, and is acting
30 within the course and scope of employment.

31 (b) The guard was hired on or after January 1, 1977, has received
32 a firearms qualification card from the Department of Consumer
33 Affairs, and is acting within the course and scope of employment.

34 26020. (a) Upon approval of the sheriff of the county in which
35 the retiree resides, Section 25850 does not apply to any honorably
36 retired federal officer or agent of any federal law enforcement
37 agency, including, but not limited to, the Federal Bureau of
38 Investigation, the Secret Service, the United States Customs
39 Service, the Federal Bureau of Alcohol, Tobacco, and Firearms,
40 the Federal Bureau of Narcotics, the Drug Enforcement

1 Administration, the United States Border Patrol, and any officer
2 or agent of the Internal Revenue Service who was authorized to
3 carry weapons while on duty, who was assigned to duty within the
4 state for a period of not less than one year, or who retired from
5 active service in the state.

6 (b) A retired federal officer or agent shall provide the sheriff
7 with certification from the agency from which the officer or agent
8 retired certifying that person's service in the state, the nature of
9 that person's retirement, and indicating the agency's concurrence
10 that the retired federal officer or agent should be accorded the
11 privilege of carrying a loaded firearm.

12 (c) Upon approval, the sheriff shall issue a permit to the retired
13 federal officer or agent indicating that the retiree may carry a
14 loaded firearm in accordance with this section. The permit shall
15 be valid for a period not exceeding five years, shall be carried by
16 the retiree while carrying a loaded firearm, and may be revoked
17 for good cause.

18 (d) The sheriff of the county in which the retired federal officer
19 or agent resides may require recertification prior to a permit
20 renewal, and may suspend the privilege for cause. The sheriff may
21 charge a fee necessary to cover any reasonable expenses incurred
22 by the county.

23 26025. Section 25850 does not apply to any of the following
24 who have completed a regular course in firearms training approved
25 by the Commission on Peace Officer Standards and Training:

26 (a) Patrol special police officers appointed by the police
27 commission of any city, county, or city and county under the
28 express terms of its charter who also, under the express terms of
29 the charter, satisfy all of the following requirements:

30 (1) They are subject to suspension or dismissal after a hearing
31 on charges duly filed with the commission after a fair and impartial
32 trial.

33 (2) They are not less than 18 years of age or more than 40 years
34 of age.

35 (3) They possess physical qualifications prescribed by the
36 commission.

37 (4) They are designated by the police commission as the owners
38 of a certain beat or territory as may be fixed from time to time by
39 the police commission.

1 (b) Animal control officers or zookeepers, regularly
2 compensated in that capacity by a governmental agency, when
3 carrying weapons while acting in the course and scope of their
4 employment and when designated by a local ordinance or, if the
5 governmental agency is not authorized to act by ordinance, by a
6 resolution, either individually or by class, to carry the weapons.

7 (c) Persons who are authorized to carry the weapons pursuant
8 to Section 14502 of the Corporations Code, while actually engaged
9 in the performance of their duties pursuant to that section.

10 (d) Harbor police officers designated pursuant to Section 663.5
11 of the Harbors and Navigation Code.

12 26030. (a) Section 25850 does not apply to any of the
13 following who have been issued a certificate pursuant to
14 subdivision (d):

15 (1) Guards or messengers of common carriers, banks, and other
16 financial institutions, while actually employed in and about the
17 shipment, transportation, or delivery of any money, treasure,
18 bullion, bonds, or other thing of value within this state.

19 (2) Guards of contract carriers operating armored vehicles
20 pursuant to California Highway Patrol and Public Utilities
21 Commission authority, if they were hired prior to January 1, 1977.

22 (3) Guards of contract carriers operating armored vehicles
23 pursuant to California Highway Patrol and Public Utilities
24 Commission authority, if they were hired on or after January 1,
25 1977, and they have completed a course in the carrying and use
26 of firearms that meets the standards prescribed by the Department
27 of Consumer Affairs.

28 (4) Private investigators licensed pursuant to Chapter 11.3
29 (commencing with Section 7512) of Division 3 of the Business
30 and Professions Code, while acting within the course and scope
31 of their employment.

32 (5) Uniformed employees of private investigators licensed
33 pursuant to Chapter 11.3 (commencing with Section 7512) of
34 Division 3 of the Business and Professions Code, while acting
35 within the course and scope of their employment.

36 (6) Private patrol operators licensed pursuant to Chapter 11.5
37 (commencing with Section 7580) of Division 3 of the Business
38 and Professions Code, while acting within the course and scope
39 of their employment.

(7) Uniformed employees of private patrol operators licensed pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(8) Alarm company operators licensed pursuant to Chapter 11.6 (commencing with Section 7590) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(9) Uniformed security guards or night watch persons employed by any public agency, while acting within the scope and course of their employment.

(10) Uniformed security guards, regularly employed and compensated in that capacity by persons engaged in any lawful business, and uniformed alarm agents employed by an alarm company operator, while actually engaged in protecting and preserving the property of their employers, or on duty or en route to or from their residences or their places of employment, and security guards and alarm agents en route to or from their residences or employer-required range training.

(b) Nothing in paragraph (10) of subdivision (a) shall be construed to prohibit cities and counties from enacting ordinances requiring alarm agents to register their names.

(c) A certificate under this section shall not be required of any person who is a peace officer, who has completed all training required by law for the exercise of the person's power as a peace officer, and who is employed while not on duty as a peace officer.

(d) The Department of Consumer Affairs may issue a certificate to any person referred to in this section, upon notification by the school where the course was completed, that the person has successfully completed a course in the carrying and use of firearms and a course of training in the exercise of the powers of arrest, which meet the standards prescribed by the department pursuant to Section 7583.5 of the Business and Professions Code.

26035. Nothing in Section 25850 shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by that person for lawful purposes connected with that business, from having a loaded firearm within the person's place of business, or any person in lawful possession of private property from having a loaded firearm on that property.

1 26040. Nothing in Section 25850 shall prevent any person from
2 carrying a loaded firearm in an area within an incorporated city
3 while engaged in hunting, provided that the hunting at that place
4 and time is not prohibited by the city council.

5 26045. (a) Nothing in Section 25850 is intended to preclude
6 the carrying of any loaded firearm, under circumstances where it
7 would otherwise be lawful, by a person who reasonably believes
8 that any person or the property of any person is in immediate,
9 grave danger and that the carrying of the weapon is necessary for
10 the preservation of that person or property.

11 (b) A violation of Section 25850 is justifiable when a person
12 who possesses a firearm reasonably believes that person is in grave
13 danger because of circumstances forming the basis of a current
14 restraining order issued by a court against another person who has
15 been found to pose a threat to the life or safety of the person who
16 possesses the firearm. This subdivision may not apply when the
17 circumstances involve a mutual restraining order issued pursuant
18 to Division 10 (commencing with Section 6200) of the Family
19 Code absent a factual finding of a specific threat to the person's
20 life or safety. It is not the intent of the Legislature to limit, restrict,
21 or narrow the application of current statutory or judicial authority
22 to apply this or other justifications to a defendant charged with
23 violating Section 25400 or committing another similar offense.
24 Upon trial for violating Section 25850, the trier of fact shall
25 determine whether the defendant was acting out of a reasonable
26 belief that the defendant was in grave danger.

27 (c) As used in this section, "immediate" means the brief interval
28 before and after the local law enforcement agency, when reasonably
29 possible, has been notified of the danger and before the arrival of
30 its assistance.

31 26050. Nothing in Section 25850 is intended to preclude the
32 carrying of a loaded firearm by any person while engaged in the
33 act of making or attempting to make a lawful arrest.

34 26055. Nothing in Section 25850 shall prevent any person from
35 having a loaded weapon, if it is otherwise lawful, at the person's
36 place of residence, including any temporary residence or campsite.

37 26060. Nothing in Section 25850 shall prevent any person from
38 storing aboard any vessel or aircraft any loaded or unloaded rocket,
39 rocket propelled projectile launcher, or similar device designed
40 primarily for emergency or distress signaling purposes, or from

1 possessing that type of a device while in a permitted hunting area
2 or traveling to or from a permitted hunting area and carrying a
3 valid California permit or license to hunt.

4
5 Article 5. Loaded Firearm in a Motor Vehicle
6

7 26100. (a) It is a misdemeanor for a driver of any motor vehicle
8 or the owner of any motor vehicle, whether or not the owner of
9 the vehicle is occupying the vehicle, knowingly to permit any other
10 person to carry into or bring into the vehicle a firearm in violation
11 of Section 25850 of this code or Section 2006 of the Fish and Game
12 Code.

13 (b) Any driver or owner of any vehicle, whether or not the owner
14 of the vehicle is occupying the vehicle, who knowingly permits
15 any other person to discharge any firearm from the vehicle is
16 punishable by imprisonment in the county jail for not more than
17 one year or in state prison for 16 months or two or three years.

18 (c) Any person who willfully and maliciously discharges a
19 firearm from a motor vehicle at another person other than an
20 occupant of a motor vehicle is guilty of a felony punishable by
21 imprisonment in state prison for three, five, or seven years.

22 (d) Except as provided in Section 3002 of the Fish and Game
23 Code, any person who willfully and maliciously discharges a
24 firearm from a motor vehicle is guilty of a public offense
25 punishable by imprisonment in the county jail for not more than
26 one year or in the state prison.

27
28 CHAPTER 4. LICENSE TO CARRY A PISTOL, REVOLVER, OR
29 OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE
30 PERSON
31

32 26150. (a) When a person applies for a license to carry a pistol,
33 revolver, or other firearm capable of being concealed upon the
34 person, the sheriff of a county may issue a license to that person
35 upon proof of all of the following:

- 36 (1) The applicant is of good moral character.
37 (2) Good cause exists for issuance of the license.
38 (3) The applicant is a resident of the county or a city within the
39 county, or the applicant's principal place of employment or
40 business is in the county or a city within the county and the

1 applicant spends a substantial period of time in that place of
2 employment or business.

3 (4) The applicant has completed a course of training as described
4 in Section 26165.

5 (b) The sheriff may issue a license under subdivision (a) in
6 either of the following formats:

7 (1) A license to carry concealed a pistol, revolver, or other
8 firearm capable of being concealed upon the person.

9 (2) Where the population of the county is less than 200,000
10 persons according to the most recent federal decennial census, a
11 license to carry loaded and exposed in only that county a pistol,
12 revolver, or other firearm capable of being concealed upon the
13 person.

14 26155. (a) When a person applies for a license to carry a pistol,
15 revolver, or other firearm capable of being concealed upon the
16 person, the chief or other head of a municipal police department
17 of any city or city and county may issue a license to that person
18 upon proof of all of the following:

19 (1) The applicant is of good moral character.

20 (2) Good cause exists for issuance of the license.

21 (3) The applicant is a resident of that city.

22 (4) The applicant has completed a course of training as described
23 in Section 26165.

24 (b) The chief or other head of a municipal police department
25 may issue a license under subdivision (a) in either of the following
26 formats:

27 (1) A license to carry concealed a pistol, revolver, or other
28 firearm capable of being concealed upon the person.

29 (2) Where the population of the county in which the city is
30 located is less than 200,000 persons according to the most recent
31 federal decennial census, a license to carry loaded and exposed in
32 only that county a pistol, revolver, or other firearm capable of
33 being concealed upon the person.

34 (c) Nothing in this chapter shall preclude the chief or other head
35 of a municipal police department of any city from entering an
36 agreement with the sheriff of the county in which the city is located
37 for the sheriff to process all applications for licenses, renewals of
38 licenses, and amendments to licenses, pursuant to this chapter.

1 26160. Each licensing authority shall publish and make
2 available a written policy summarizing the provisions of Section
3 26150 and subdivisions (a) and (b) of Section 26155.

4 26165. (a) For new license applicants, the course of training
5 for issuance of a license under Section 26150 or 26155 may be
6 any course acceptable to the licensing authority, shall not exceed
7 16 hours, and shall include instruction on at least firearm safety
8 and the law regarding the permissible use of a firearm.

9 (b) Notwithstanding subdivision (a), the licensing authority may
10 require a community college course certified by the Commission
11 on Peace Officer Standards and Training, up to a maximum of 24
12 hours, but only if required uniformly of all license applicants
13 without exception.

14 (c) For license renewal applicants, the course of training may
15 be any course acceptable to the licensing authority, shall be no
16 less than four hours, and shall include instruction on at least firearm
17 safety and the law regarding the permissible use of a firearm. No
18 course of training shall be required for any person certified by the
19 licensing authority as a trainer for purposes of this section, in order
20 for that person to renew a license issued pursuant to this article.

21 26170. (a) Upon proof of all of the following, the sheriff of a
22 county, or the chief or other head of a municipal police department
23 of any city or city and county, may issue to an applicant a license
24 to carry concealed a pistol, revolver, or other firearm capable of
25 being concealed upon the person:

26 (1) The applicant is of good moral character.

27 (2) Good cause exists for issuance of the license.

28 (3) The applicant has been deputized or appointed as a peace
29 officer pursuant to subdivision (a) or (b) of Section 830.6 by that
30 sheriff or that chief of police or other head of a municipal police
31 department.

32 (b) Direct or indirect fees for the issuance of a license pursuant
33 to this section may be waived.

34 (c) The fact that an applicant for a license to carry a pistol,
35 revolver, or other firearm capable of being concealed upon the
36 person has been deputized or appointed as a peace officer pursuant
37 to subdivision (a) or (b) of Section 830.6 shall be considered only
38 for the purpose of issuing a license pursuant to this section, and
39 shall not be considered for the purpose of issuing a license pursuant
40 to Section 26150 or 26155.

1 26175. (a) (1) Applications for licenses, applications for
2 amendments to licenses, amendments to licenses, and licenses
3 under this article shall be uniform throughout the state, upon forms
4 to be prescribed by the Attorney General.

5 (2) The Attorney General shall convene a committee composed
6 of one representative of the California State Sheriffs' Association,
7 one representative of the California Police Chiefs' Association,
8 and one representative of the Department of Justice to review, and
9 as deemed appropriate, revise the standard application form for
10 licenses. The committee shall meet for this purpose if two of the
11 committee's members deem that necessary.

12 (b) The application shall include a section summarizing the
13 statutory provisions of state law that result in the automatic denial
14 of a license.

15 (c) The standard application form for licenses described in
16 subdivision (a) shall require information from the applicant,
17 including, but not limited to, the name, occupation, residence and
18 business address of the applicant, the applicant's age, height,
19 weight, color of eyes and hair, and reason for desiring a license to
20 carry the weapon.

21 (d) Applications for licenses shall be filed in writing, and signed
22 by the applicant.

23 (e) Applications for amendments to licenses shall be filed in
24 writing and signed by the applicant, and shall state what type of
25 amendment is sought pursuant to Section 26215 and the reason
26 for desiring the amendment.

27 (f) The forms shall contain a provision whereby the applicant
28 attests to the truth of statements contained in the application.

29 (g) An applicant shall not be required to complete any additional
30 application or form for a license, or to provide any information
31 other than that necessary to complete the standard application form
32 described in subdivision (a), except to clarify or interpret
33 information provided by the applicant on the standard application
34 form.

35 (h) The standard application form described in subdivision (a)
36 is deemed to be a local form expressly exempt from the
37 requirements of the Administrative Procedures Act, Chapter 3.5
38 (commencing with Section 11340) of Part 1 of Division 3 of Title
39 2 of the Government Code.

(i) Any license issued upon the application shall set forth the licensee's name, occupation, residence and business address, the licensee's age, height, weight, color of eyes and hair, and the reason for desiring a license to carry the weapon, and shall, in addition, contain a description of the weapon or weapons authorized to be carried, giving the name of the manufacturer, the serial number, and the caliber. The license issued to the licensee may be laminated.

26180. (a) Any person who files an application required by Section 26175 knowing that any statement contained therein is false is guilty of a misdemeanor.

(b) Any person who knowingly makes a false statement on the application regarding any of the following is guilty of a felony:

(1) The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to this article.

(2) A criminal conviction.

(3) A finding of not guilty by reason of insanity.

(4) The use of a controlled substance.

(5) A dishonorable discharge from military service.

(6) A commitment to a mental institution.

(7) A renunciation of United States citizenship.

26185. (a) (1) The fingerprints of each applicant shall be taken and two copies on forms prescribed by the Department of Justice shall be forwarded to the department.

(2) Upon receipt of the fingerprints and the fee as prescribed in Section 26190, the department shall promptly furnish the forwarding licensing authority a report of all data and information pertaining to any applicant of which there is a record in its office, including information as to whether the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(3) No license shall be issued by any licensing authority until after receipt of the report from the department.

(b) Notwithstanding subdivision (a), if the license applicant has previously applied to the same licensing authority for a license to carry firearms pursuant to this article and the applicant's fingerprints and fee have been previously forwarded to the Department of Justice, as provided by this section, the licensing authority shall note the previous identification numbers and other data that would provide positive identification in the files of the

1 Department of Justice on the copy of any subsequent license
2 submitted to the department in conformance with Section 26225
3 and no additional application form or fingerprints shall be required.

4 (c) If the license applicant has a license issued pursuant to this
5 article and the applicant's fingerprints have been previously
6 forwarded to the Department of Justice, as provided in this section,
7 the licensing authority shall note the previous identification
8 numbers and other data that would provide positive identification
9 in the files of the Department of Justice on the copy of any
10 subsequent license submitted to the department in conformance
11 with Section 26225 and no additional fingerprints shall be required.

12 26190. (a) (1) Each applicant for a new license or for the
13 renewal of a license shall pay at the time of filing the application
14 a fee determined by the Department of Justice. The fee shall not
15 exceed the application processing costs of the Department of
16 Justice for the direct costs of furnishing the report required by
17 Section 26185.

18 (2) After the department establishes fees sufficient to reimburse
19 the department for processing costs, fees charged shall increase at
20 a rate not to exceed the legislatively approved annual cost-of-living
21 adjustments for the department's budget.

22 (3) The officer receiving the application and the fee shall
23 transmit the fee, with the fingerprints if required, to the Department
24 of Justice.

25 (b) (1) The licensing authority of any city, city and county, or
26 county may charge an additional fee in an amount equal to the
27 actual costs for processing the application for a new license,
28 excluding fingerprint and training costs, but in no case to exceed
29 one hundred dollars (\$100), and shall transmit the additional fee,
30 if any, to the city, city and county, or county treasury.

31 (2) The first 20 percent of this additional local fee may be
32 collected upon filing of the initial application. The balance of the
33 fee shall be collected only upon issuance of the license.

34 (c) The licensing authority may charge an additional fee, not to
35 exceed twenty-five dollars (\$25), for processing the application
36 for a license renewal, and shall transmit an additional fee, if any,
37 to the city, city and county, or county treasury.

38 (d) These local fees may be increased at a rate not to exceed
39 any increase in the California Consumer Price Index as compiled
40 and reported by the Department of Industrial Relations.

1 (e) (1) In the case of an amended license pursuant to Section
2 26215, the licensing authority of any city, city and county, or
3 county may charge a fee, not to exceed ten dollars (\$10), for
4 processing the amended license.

5 (2) This fee may be increased at a rate not to exceed any increase
6 in the California Consumer Price Index as compiled and reported
7 by the Department of Industrial Relations.

8 (3) The licensing authority shall transmit the fee to the city, city
9 and county, or county treasury.

10 (f) (1) If psychological testing on the initial application is
11 required by the licensing authority, the license applicant shall be
12 referred to a licensed psychologist used by the licensing authority
13 for the psychological testing of its own employees. The applicant
14 may be charged for the actual cost of the testing in an amount not
15 to exceed one hundred fifty dollars (\$150).

16 (2) Additional psychological testing of an applicant seeking
17 license renewal shall be required only if there is compelling
18 evidence to indicate that a test is necessary. The cost to the
19 applicant for this additional testing shall not exceed one hundred
20 fifty dollars (\$150).

21 (g) Except as authorized pursuant to this section, no requirement,
22 charge, assessment, fee, or condition that requires the payment of
23 any additional funds by the applicant may be imposed by any
24 licensing authority as a condition of the application for a license.

25 26195. (a) A license under this article shall not be issued if
26 the Department of Justice determines that the person is prohibited
27 by state or federal law from possessing, receiving, owning, or
28 purchasing a firearm.

29 (b) (1) A license under this article shall be revoked by the local
30 licensing authority if at any time either the local licensing authority
31 is notified by the Department of Justice that a licensee is prohibited
32 by state or federal law from owning or purchasing firearms, or the
33 local licensing authority determines that the person is prohibited
34 by state or federal law from possessing, receiving, owning, or
35 purchasing a firearm.

36 (2) If at any time the Department of Justice determines that a
37 licensee is prohibited by state or federal law from possessing,
38 receiving, owning, or purchasing a firearm, the department shall
39 immediately notify the local licensing authority of the
40 determination.

1 (3) If the local licensing authority revokes the license, the
2 Department of Justice shall be notified of the revocation pursuant
3 to Section 26225. The licensee shall also be immediately notified
4 of the revocation in writing.

5 26200. (a) A license issued pursuant to this article may include
6 any reasonable restrictions or conditions that the issuing authority
7 deems warranted, including restrictions as to the time, place,
8 manner, and circumstances under which the licensee may carry a
9 pistol, revolver, or other firearm capable of being concealed upon
10 the person.

11 (b) Any restrictions imposed pursuant to subdivision (a) shall
12 be indicated on any license issued.

13 26205. The licensing authority shall give written notice to the
14 applicant indicating if the license under this article is approved or
15 denied. The licensing authority shall give this notice within 90
16 days of the initial application for a new license or a license renewal,
17 or 30 days after receipt of the applicant's criminal background
18 check from the Department of Justice, whichever is later.

19 26210. (a) When a licensee under this article has a change of
20 address, the license shall be amended to reflect the new address
21 and a new license shall be issued pursuant to subdivision (b) of
22 Section 26215.

23 (b) The licensee shall notify the licensing authority in writing
24 within 10 days of any change in the licensee's place of residence.

25 (c) If both of the following conditions are satisfied, a license to
26 carry a concealed handgun may not be revoked solely because the
27 licensee's place of residence has changed to another county:

28 (1) The licensee has not breached any of the conditions or
29 restrictions set forth in the license.

30 (2) The licensee has not become prohibited by state or federal
31 law from possessing, receiving, owning, or purchasing a firearm.

32 (d) Notwithstanding subdivision (c), if a licensee's place of
33 residence was the basis for issuance of a license, any license issued
34 pursuant to Section 26150 or 26155 shall expire 90 days after the
35 licensee moves from the county of issuance.

36 (e) If the license is one to carry loaded and exposed a pistol,
37 revolver, or other firearm capable of being concealed upon the
38 person, the license shall be revoked immediately upon a change
39 of the licensee's place of residence to another county.

1 26215. (a) A person issued a license pursuant to this article
2 may apply to the licensing authority for an amendment to the
3 license to do one or more of the following:

4 (1) Add or delete authority to carry a particular pistol, revolver,
5 or other firearm capable of being concealed upon the person.

6 (2) Authorize the licensee to carry concealed a pistol, revolver,
7 or other firearm capable of being concealed upon the person.

8 (3) If the population of the county is less than 200,000 persons
9 according to the most recent federal decennial census, authorize
10 the licensee to carry loaded and exposed in only that county a
11 pistol, revolver, or other firearm capable of being concealed upon
12 the person.

13 (4) Change any restrictions or conditions on the license,
14 including restrictions as to the time, place, manner, and
15 circumstances under which the person may carry a pistol, revolver,
16 or other firearm capable of being concealed upon the person.

17 (b) If the licensing authority amends the license, a new license
18 shall be issued to the licensee reflecting the amendments.

19 (c) An amendment to the license does not extend the original
20 expiration date of the license and the license shall be subject to
21 renewal at the same time as if the license had not been amended.

22 (d) An application to amend a license does not constitute an
23 application for renewal of the license.

24 26220. (a) Except as otherwise provided in this section and
25 in subdivision (c) of Section 26210, a license issued pursuant to
26 Section 26150 or 26155 is valid for any period of time not to
27 exceed two years from the date of the license.

28 (b) If the licensee's place of employment or business was the
29 basis for issuance of a license pursuant to Section 26150, the
30 license is valid for any period of time not to exceed 90 days from
31 the date of the license. The license shall be valid only in the county
32 in which the license was originally issued. The licensee shall give
33 a copy of this license to the licensing authority of the city, county,
34 or city and county in which the licensee resides. The licensing
35 authority that originally issued the license shall inform the licensee
36 verbally and in writing in at least 16-point type of this obligation
37 to give a copy of the license to the licensing authority of the city,
38 county, or city and county of residence. Any application to renew
39 or extend the validity of, or reissue, the license may be granted
40 only upon the concurrence of the licensing authority that originally

1 issued the license and the licensing authority of the city, county,
2 or city and county in which the licensee resides.

3 (c) A license issued pursuant to Section 26150 or 26155 is valid
4 for any period of time not to exceed three years from the date of
5 the license if the license is issued to any of the following
6 individuals:

7 (1) A judge of a California court of record.

8 (2) A full-time court commissioner of a California court of
9 record.

10 (3) A judge of a federal court.

11 (4) A magistrate of a federal court.

12 (d) A license issued pursuant to Section 26150 or 26155 is valid
13 for any period of time not to exceed four years from the date of
14 the license if the license is issued to a custodial officer who is an
15 employee of the sheriff as provided in Section 831.5, except that
16 the license shall be invalid upon the conclusion of the person's
17 employment pursuant to Section 831.5 if the four-year period has
18 not otherwise expired or any other condition imposed pursuant to
19 this article does not limit the validity of the license to a shorter
20 time period.

21 (e) A license issued pursuant to Section 26170 to a peace officer
22 appointed pursuant to Section 830.6 is valid for any period of time
23 not to exceed four years from the date of the license, except that
24 the license shall be invalid upon the conclusion of the person's
25 appointment pursuant to Section 830.6 if the four-year period has
26 not otherwise expired or any other condition imposed pursuant to
27 this article does not limit the validity of the license to a shorter
28 time period.

29 26225. (a) A record of the following shall be maintained in
30 the office of the licensing authority:

31 (1) The denial of a license.

32 (2) The denial of an amendment to a license.

33 (3) The issuance of a license.

34 (4) The amendment of a license.

35 (5) The revocation of a license.

36 (b) Copies of each of the following shall be filed immediately
37 by the issuing officer or authority with the Department of Justice:

38 (1) The denial of a license.

39 (2) The denial of an amendment to a license.

40 (3) The issuance of a license.

1 (4) The amendment of a license.

2 (5) The revocation of a license.

3 (c) (1) Commencing on or before January 1, 2000, and annually
4 thereafter, each licensing authority shall submit to the Attorney
5 General the total number of licenses issued to peace officers
6 pursuant to Section 26170, and to judges pursuant to Section 26150
7 or 26155.

8 (2) The Attorney General shall collect and record the
9 information submitted pursuant to this subdivision by county and
10 licensing authority.

11
12 CHAPTER 5. RETIRED PEACE OFFICER CARRYING A CONCEALED
13 AND LOADED FIREARM
14

15 26300. (a) Any peace officer listed in Section 830.1 or 830.2
16 or subdivision (c) of Section 830.5 who retired prior to January 1,
17 1981, is authorized to carry a concealed and loaded firearm if the
18 agency issued the officer an identification certificate and the
19 certificate has not been stamped as specified in Section 25470.

20 (b) Any peace officer employed by an agency and listed in
21 Section 830.1 or 830.2 or subdivision (c) of Section 830.5 who
22 retired after January 1, 1981, shall have an endorsement on the
23 officer's identification certificate stating that the issuing agency
24 approves the officer's carrying of a concealed and loaded firearm.

25 (c) Any peace officer not listed in subdivision (a) or (b) who
26 was authorized to, and did, carry a firearm during the course and
27 scope of employment as a peace officer shall have an endorsement
28 on the officer's identification certificate stating that the issuing
29 agency approves the officer's carrying of a concealed and loaded
30 firearm.

31 26305. (a) No peace officer who is retired after January 1,
32 1989, because of a psychological disability shall be issued an
33 endorsement to carry a concealed and loaded firearm pursuant to
34 this article.

35 (b) A retired peace officer may have the privilege to carry a
36 concealed and loaded firearm revoked or denied by violating any
37 departmental rule, or state or federal law that, if violated by an
38 officer on active duty, would result in that officer's arrest,
39 suspension, or removal from the agency.

1 (c) An identification certificate authorizing the officer to carry
2 a concealed and loaded firearm or an endorsement on the certificate
3 may be immediately and temporarily revoked by the issuing agency
4 when the conduct of a retired peace officer compromises public
5 safety.

6 (d) An identification certificate authorizing the officer to carry
7 a concealed and loaded firearm or an endorsement may be
8 permanently revoked or denied by the issuing agency only upon
9 a showing of good cause. Good cause shall be determined at a
10 hearing, as specified in Section 26320.

11 26310. (a) Issuance of an identification certificate authorizing
12 the officer to carry a concealed and loaded firearm or an
13 endorsement may be denied prior to a hearing.

14 (b) If a hearing is not conducted prior to the denial of an
15 endorsement, a retired peace officer, within 15 days of the denial,
16 shall have the right to request a hearing. A retired peace officer
17 who fails to request a hearing pursuant to this section shall forfeit
18 the right to a hearing.

19 26312. (a) Notice of a temporary revocation shall be effective
20 upon personal service or upon receipt of a notice that was sent by
21 first-class mail, postage prepaid, return receipt requested, to the
22 retiree's last known place of residence.

23 (b) The retiree shall have 15 days to respond to the notification
24 and request a hearing to determine if the temporary revocation
25 should become permanent.

26 (c) A retired peace officer who fails to respond to the notice of
27 hearing within the 15-day period shall forfeit the right to a hearing
28 and the authority of the officer to carry a firearm shall be
29 permanently revoked. The retired officer shall immediately return
30 the identification certificate to the issuing agency.

31 (d) If a hearing is requested, good cause for permanent
32 revocation shall be determined at a hearing, as specified in Section
33 26320. The hearing shall be held no later than 120 days after the
34 request by the retired officer for a hearing is received.

35 (e) A retiree may waive the right to a hearing and immediately
36 return the identification certificate to the issuing agency.

37 26315. (a) An identification certificate authorizing the officer
38 to carry a concealed and loaded firearm or an endorsement may
39 be permanently revoked only after a hearing, as specified in Section
40 26320.

1 (b) Any retired peace officer whose identification certificate
2 authorizing the officer to carry a concealed and loaded firearm or
3 an endorsement is to be revoked shall receive notice of the hearing.
4 Notice of the hearing shall be served either personally on the retiree
5 or sent by first-class mail, postage prepaid, return receipt requested
6 to the retiree's last known place of residence.

7 (c) From the date the retiree signs for the notice or upon the
8 date the notice is served personally on the retiree, the retiree shall
9 have 15 days to respond to the notification. A retired peace officer
10 who fails to respond to the notice of the hearing shall forfeit the
11 right to a hearing and the authority of the officer to carry a firearm
12 shall be permanently revoked. The retired officer shall immediately
13 return the identification certificate to the issuing agency.

14 (d) If a hearing is requested, good cause for permanent
15 revocation shall be determined at the hearing, as specified in
16 Section 26320. The hearing shall be held no later than 120 days
17 after the request by the retired officer for a hearing is received.

18 (e) The retiree may waive the right to a hearing and immediately
19 return the identification certificate to the issuing agency.

20 26320. (a) Any hearing conducted under this article shall be
21 held before a three-member hearing board. One member of the
22 board shall be selected by the agency and one member shall be
23 selected by the retired peace officer or his or her employee
24 organization. The third member shall be selected jointly by the
25 agency and the retired peace officer or his or her employee
26 organization.

27 (b) Any decision by the board shall be binding on the agency
28 and the retired peace officer.

29 26325. (a) A retired peace officer, when notified of the
30 revocation of the privilege to carry a concealed and loaded firearm,
31 after the hearing, or upon forfeiting the right to a hearing, shall
32 immediately surrender to the issuing agency the officer's
33 identification certificate.

34 (b) The issuing agency shall reissue a new identification
35 certificate without an endorsement.

36 (c) Notwithstanding subdivision (b), if the peace officer retired
37 prior to January 1, 1981, and was at the time of retirement a peace
38 officer listed in Section 830.1 or 830.2 or subdivision (c) of Section
39 830.5, the issuing agency shall stamp on the identification
40 certificate "No CCW privilege."

1 DIVISION 6. SALE, LEASE, OR TRANSFER OF FIREARMS

2
3 CHAPTER 1. LICENSE REQUIREMENT FOR SALE, LEASE, OR
4 TRANSFER OF FIREARMS

5
6 Article 1. License Requirement and Miscellaneous Exceptions

7
8 26500. (a) No person shall sell, lease, or transfer firearms
9 unless the person has been issued a license pursuant to Article 1
10 (commencing with Section 26700) and Article 2 (commencing
11 with Section 26800) of Chapter 2.

12 (b) Any person violating this article is guilty of a misdemeanor.

13 26505. Section 26500 does not apply to the sale, lease, or
14 transfer of any firearm by any of the following:

15 (a) A person acting pursuant to operation of law.

16 (b) A person acting pursuant to a court order.

17 (c) A person acting pursuant to the Enforcement of Judgments
18 Law (Title 9 (commencing with Section 680.010) of Part 2 of the
19 Code of Civil Procedure).

20 (d) A person who liquidates a personal firearm collection to
21 satisfy a court judgment.

22 26510. Section 26500 does not apply to a person acting
23 pursuant to subdivision (f) of Section 186.22a or Section 18000
24 or 18005.

25 26515. Section 26500 does not apply to the sale, lease, or
26 transfer of a firearm if both of the following conditions are
27 satisfied:

28 (a) The sale, lease, or transfer is made by a person who obtains
29 title to the firearm by intestate succession or bequest, or as a
30 surviving spouse pursuant to Chapter 1 (commencing with Section
31 13500) of Part 2 of Division 8 of the Probate Code.

32 (b) The person disposes of the firearm within 60 days of receipt
33 of the firearm.

34 26520. (a) Section 26500 does not apply to the infrequent sale,
35 lease, or transfer of firearms.

36 (b) As used in this section, “infrequent” has the meaning
37 provided in Section 16730.

38 26525. (a) Section 26500 does not apply to the sale, lease, or
39 transfer of used firearms, other than handguns, at gun shows or
40 events, as specified in Article 1 (commencing with Section 26700)

1 and Article 2 (commencing with Section 26800) of Chapter 2, by
2 a person other than a licensee or dealer, provided the person has
3 a valid federal firearms license and a current certificate of eligibility
4 issued by the Department of Justice, as specified in Section 26710,
5 and provided all the sales, leases, or transfers fully comply with
6 Section 27545. However, the person shall not engage in the sale,
7 lease, or transfer of used firearms other than handguns at more
8 than 12 gun shows or events in any calendar year and shall not
9 sell, lease, or transfer more than 15 used firearms other than
10 handguns at any single gun show or event. In no event shall the
11 person sell more than 75 used firearms other than handguns in any
12 calendar year.

13 (b) The Department of Justice shall adopt regulations to
14 administer this program and shall recover the full costs of
15 administration from fees assessed applicants.

16 26530. Section 26500 does not apply to sales, deliveries, or
17 transfers of firearms between or to importers and manufacturers
18 of firearms licensed to engage in that business pursuant to Chapter
19 44 (commencing with Section 921) of Title 18 of the United States
20 Code and the regulations issued pursuant thereto.

21 26535. Section 26500 does not apply to any sale, delivery, or
22 transfer of firearms that satisfies both of the following conditions:

23 (a) It is made by an importer or manufacturer licensed pursuant
24 to Chapter 44 (commencing with Section 921) of Title 18 of the
25 United States Code and the regulations issued pursuant thereto.

26 (b) It is made to a dealer or wholesaler.

27 26540. Section 26500 does not apply to deliveries and transfers
28 of firearms made pursuant to Sections 18000 and 18005, pursuant
29 to Division 4 (commencing with Section 18250) of Title 2, or
30 pursuant to Sections 34005 and 34010.

31 26545. Section 26500 does not apply to the loan of a firearm
32 for the purposes of shooting at targets, if the loan occurs on the
33 premises of a target facility that holds a business or regulatory
34 license or on the premises of any club or organization organized
35 for the purposes of practicing shooting at targets upon established
36 ranges, whether public or private, if the firearm is at all times kept
37 within the premises of the target range or on the premises of the
38 club or organization.

39 26550. Section 26500 does not apply to any sale, delivery, or
40 transfer of firearms that satisfies all of the following requirements:

1 (a) It is made by a manufacturer, importer, or wholesaler
2 licensed pursuant to Chapter 44 (commencing with Section 921)
3 of Title 18 of the United States Code and the regulations issued
4 pursuant thereto.

5 (b) It is made to a person who resides outside this state and is
6 licensed pursuant to Chapter 44 (commencing with Section 921)
7 of Title 18 of the United States Code and the regulations issued
8 pursuant thereto.

9 (c) It is made in accordance with Chapter 44 (commencing with
10 Section 921) of Title 18 of the United States Code and the
11 regulations issued pursuant thereto.

12 26555. Section 26500 does not apply to any sale, delivery, or
13 transfer of firearms that satisfies all of the following requirements:

14 (a) It is made by a person who resides outside this state and is
15 licensed outside this state pursuant to Chapter 44 (commencing
16 with Section 921) of Title 18 of the United States Code and the
17 regulations issued pursuant thereto.

18 (b) It is made to a manufacturer, importer, or wholesaler.

19 (c) It is made in accordance with Chapter 44 (commencing with
20 Section 921) of Title 18 of the United States Code and the
21 regulations issued pursuant thereto.

22 26560. Section 26500 does not apply to any sale, delivery, or
23 transfer of firearms by a wholesaler to a dealer.

24 26565. Section 26500 does not apply to any sale, delivery, or
25 transfer of firearms that satisfies all of the following conditions:

26 (a) It is made by a person who resides outside this state.

27 (b) It is made to a person licensed pursuant to Sections 26700
28 to 26915, inclusive.

29 (c) It is made in accordance with Chapter 44 (commencing with
30 Section 921) of Title 18 of the United States Code and the
31 regulations issued pursuant thereto.

32 26570. Section 26500 does not apply to any sale, delivery, or
33 transfer of firearms that satisfies all of the following conditions:

34 (a) It is made by a person who resides outside this state and is
35 licensed pursuant to Chapter 44 (commencing with Section 921)
36 of Title 18 of the United States Code and the regulations issued
37 pursuant thereto.

38 (b) It is made to a dealer.

1 (c) It is made in accordance with Chapter 44 (commencing with
2 Section 921) of Title 18 of the United States Code and the
3 regulations issued pursuant thereto.

4 26575. Section 26500 does not apply to the sale, delivery, or
5 transfer of an unloaded firearm by one wholesaler to another
6 wholesaler if that firearm is intended as merchandise in the
7 receiving wholesaler's business.

8 26580. Section 26500 does not apply to the loan of an unloaded
9 firearm or the loan of a firearm loaded with blank cartridges for
10 use solely as a prop for a motion picture, television, or video
11 production or entertainment or theatrical event.

12 26585. Section 26500 does not apply to the delivery of an
13 unloaded firearm that is a curio or relic, as defined in Section
14 478.11 of Title 27 of the Code of Federal Regulations, if the
15 delivery satisfies all of the following conditions:

16 (a) It is made by a person licensed as a collector pursuant to
17 Chapter 44 (commencing with Section 921) of Title 18 of the
18 United States Code and the regulations issued pursuant thereto.

19 (b) It is made by a person with a current certificate of eligibility
20 issued pursuant to Section 26710.

21 (c) It is made to a dealer.

22 26587. Section 26500 does not apply to either of the following:

23 (a) A loan of a firearm to a gunsmith for service or repair.

24 (b) The return of the firearm by the gunsmith.

25 26588. Section 26500 does not apply to any of the following:

26 (a) The sale, delivery, transfer, or return of a firearm regulated
27 pursuant to Chapter 1 (commencing with Section 18710) of
28 Division 5 of Title 2 by a person who holds a permit issued
29 pursuant to Article 3 (commencing with Section 18900) of that
30 chapter, if the sale, delivery, transfer, or return is conducted in
31 accordance with the terms and conditions of the permit.

32 (b) The sale, delivery, transfer, or return of a firearm regulated
33 pursuant to Chapter 2 (commencing with Section 30500) of
34 Division 10 by a person who holds a permit issued pursuant to
35 Section 31005, if the sale, delivery, transfer, or return is conducted
36 in accordance with the terms and conditions of the permit.

37 (c) The sale, delivery, transfer, or return of a firearm regulated
38 pursuant to Chapter 6 (commencing with Section 32610) of
39 Division 10 by a person who holds a permit issued pursuant to

1 Section 32650, if the sale, delivery, transfer, or return is conducted
2 in accordance with the terms and conditions of the permit.

3 (d) The sale, delivery, transfer, or return of a firearm regulated
4 pursuant to Article 2 (commencing with Section 33300) of Chapter
5 8 of Division 10 by a person who holds a permit issued pursuant
6 to Section 33300, if the sale, delivery, transfer, or return is
7 conducted in accordance with the terms and conditions of the
8 permit.

9 26590. Section 26500 does not apply to deliveries, transfers,
10 or returns of firearms made by a court or a law enforcement agency
11 pursuant to Chapter 2 (commencing with Section 33850) of
12 Division 11.

13
14 Article 2. Exceptions Relating to Law Enforcement
15

16 26600. (a) Section 26500 does not apply to any sale, delivery,
17 or transfer of firearms made to an authorized law enforcement
18 representative of any city, county, city and county, or state, or of
19 the federal government, for exclusive use by that governmental
20 agency if, prior to the sale, delivery, or transfer of these firearms,
21 written authorization from the head of the agency authorizing the
22 transaction is presented to the person from whom the purchase,
23 delivery, or transfer is being made.

24 (b) Proper written authorization is defined as verifiable written
25 certification from the head of the agency by which the purchaser
26 or transferee is employed, identifying the employee as an individual
27 authorized to conduct the transaction, and authorizing the
28 transaction for the exclusive use of the agency by which that person
29 is employed.

30 (c) Within 10 days of the date a handgun is acquired by the
31 agency, a record of the same shall be entered as an institutional
32 weapon into the Automated Firearms System (AFS) via the
33 California Law Enforcement Telecommunications System
34 (CLETS) by the law enforcement or state agency. Any agency
35 without access to AFS shall arrange with the sheriff of the county
36 in which the agency is located to input this information via this
37 system.

38 26605. Section 26500 does not apply to the loan of a firearm
39 if all of the following conditions are satisfied:

1 (a) The loan is made by an authorized law enforcement
2 representative of a city, county, or city and county, or of the state
3 or federal government.

4 (b) The loan is made to a peace officer employed by that agency
5 and authorized to carry a firearm.

6 (c) The loan is made for the carrying and use of that firearm by
7 that peace officer in the course and scope of the officer's duties.

8 26610. (a) Section 26500 does not apply to the sale, delivery,
9 or transfer of a firearm by a law enforcement agency to a peace
10 officer pursuant to Section 10334 of the Public Contract Code.

11 (b) Within 10 days of the date that a handgun is sold, delivered,
12 or transferred pursuant to Section 10334 of the Public Contract
13 Code to that peace officer, the name of the officer and the make,
14 model, serial number, and other identifying characteristics of the
15 firearm being sold, delivered, or transferred shall be entered into
16 the Automated Firearms System (AFS) via the California Law
17 Enforcement Telecommunications System (CLETS) by the law
18 enforcement or state agency that sold, delivered, or transferred the
19 firearm. Any agency without access to AFS shall arrange with the
20 sheriff of the county in which the agency is located to input this
21 information via this system.

22 26615. (a) Section 26500 does not apply to the sale, delivery,
23 or transfer of a firearm by a law enforcement agency to a retiring
24 peace officer who is authorized to carry a firearm pursuant to
25 Chapter 5 (commencing with Section 26300) of Division 5.

26 (b) Within 10 days of the date that a handgun is sold, delivered,
27 or transferred to that retiring peace officer, the name of the officer
28 and the make, model, serial number, and other identifying
29 characteristics of the firearm being sold, delivered, or transferred
30 shall be entered into the Automated Firearms System (AFS) via
31 the California Law Enforcement Telecommunications System
32 (CLETS) by the law enforcement or state agency that sold,
33 delivered, or transferred the firearm. Any agency without access
34 to AFS shall arrange with the sheriff of the county in which the
35 agency is located to input this information via this system.

CHAPTER 2. ISSUANCE, FORFEITURE, AND CONDITIONS OF
LICENSE TO SELL, LEASE, OR TRANSFER FIREARMS AT RETAIL

Article 1. License to Sell, Lease, or Transfer Firearms at Retail

26700. As used in this division, and in any other provision listed in Section 16580, “dealer,” “licensee,” or “person licensed pursuant to Sections 26700 to 26915, inclusive” means a person who satisfies all of the following requirements:

- (a) Has a valid federal firearms license.
- (b) Has any regulatory or business license, or licenses, required by local government.
- (c) Has a valid seller’s permit issued by the State Board of Equalization.
- (d) Has a certificate of eligibility issued by the Department of Justice pursuant to Section 26710.
- (e) Has a license issued in the format prescribed by subdivision (c) of Section 26705.
- (f) Is among those recorded in the centralized list specified in Section 26715.

26705. (a) The duly constituted licensing authority of a city, county, or a city and county shall accept applications for, and may grant licenses permitting, licensees to sell firearms at retail within the city, county, or city and county. The duly constituted licensing authority shall inform applicants who are denied licenses of the reasons for the denial in writing.

(b) No license shall be granted to any applicant who fails to provide a copy of the applicant’s valid federal firearms license, valid seller’s permit issued by the State Board of Equalization, and the certificate of eligibility described in Section 26710.

(c) A license granted by the duly constituted licensing authority of any city, county, or city and county, shall be valid for not more than one year from the date of issuance and shall be in one of the following forms:

- (1) In the form prescribed by the Attorney General.
- (2) A regulatory or business license that states on its face “Valid for Retail Sales of Firearms” and is endorsed by the signature of the issuing authority.
- (3) A letter from the duly constituted licensing authority having primary jurisdiction for the applicant’s intended business location

1 stating that the jurisdiction does not require any form of regulatory
2 or business license or does not otherwise restrict or regulate the
3 sale of firearms.

4 (d) Local licensing authorities may assess fees to recover their
5 full costs of processing applications for licenses.

6 26710. (a) A person may request a certificate of eligibility
7 from the Department of Justice.

8 (b) The Department of Justice shall examine its records and
9 records available to the department in the National Instant Criminal
10 Background Check System in order to determine if the applicant
11 is prohibited by state or federal law from possessing, receiving,
12 owning, or purchasing a firearm.

13 (c) The department shall issue a certificate to an applicant if the
14 department's records indicate that the applicant is not a person
15 who is prohibited by state or federal law from possessing firearms.

16 (d) The department shall adopt regulations to administer the
17 certificate of eligibility program and shall recover the full costs of
18 administering the program by imposing fees assessed to applicants
19 who apply for those certificates.

20 26715. (a) Except as otherwise provided in paragraphs (1) and
21 (3) of subdivision (b), the Department of Justice shall keep a
22 centralized list of all persons licensed pursuant to subdivisions (a)
23 to (e), inclusive, of Section 26700.

24 (b) (1) The department may remove from this list any person
25 who knowingly or with gross negligence violates a provision listed
26 in Section 16575.

27 (2) The department shall remove from the centralized list any
28 person whose federal firearms license has expired or has been
29 revoked.

30 (3) Upon removal of a dealer from this list, notification shall
31 be provided to local law enforcement and licensing authorities in
32 the jurisdiction where the dealer's business is located.

33 (c) Information compiled from the list shall be made available,
34 upon request, for the following purposes only:

35 (1) For law enforcement purposes.

36 (2) When the information is requested by a person licensed
37 pursuant to Chapter 44 (commencing with Section 921) of Title
38 18 of the United States Code for determining the validity of the
39 license for firearm shipments.

1 (3) When information is requested by a person promoting,
2 sponsoring, operating, or otherwise organizing a show or event as
3 defined in Section 478.100 of Title 27 of the Code of Federal
4 Regulations, or its successor, who possesses a valid certificate of
5 eligibility issued pursuant to Article 1 (commencing with Section
6 27200) of Chapter 3, if that information is requested by the person
7 to determine the eligibility of a prospective participant in a gun
8 show or event to conduct transactions as a firearms dealer pursuant
9 to subdivision (b) of Section 26805.

10 (d) Information provided pursuant to subdivision (c) shall be
11 limited to information necessary to corroborate an individual's
12 current license status as being one of the following:

13 (1) A person licensed pursuant to subdivisions (a) to (e),
14 inclusive, of Section 26700.

15 (2) A person who is licensed pursuant to Chapter 44
16 (commencing with Section 921) of Title 18 of the United States
17 Code, and who is not subject to the requirement of being licensed
18 pursuant to subdivisions (a) to (e), inclusive, of Section 26700.

19 26720. (a) The Department of Justice may inspect dealers to
20 ensure compliance with the provisions listed in Section 16575.

21 (b) The department may assess an annual fee, not to exceed one
22 hundred fifteen dollars (\$115), to cover the reasonable cost of
23 maintaining the list described in Section 26715, including the cost
24 of inspections.

25 (c) Dealers whose place of business is in a jurisdiction that has
26 adopted an inspection program to ensure compliance with firearms
27 law shall be exempt from that portion of the department's fee that
28 relates to the cost of inspections. The applicant is responsible for
29 providing evidence to the department that the jurisdiction in which
30 the business is located has the inspection program.

31 26725. The Department of Justice shall maintain and make
32 available upon request information concerning all of the following:

33 (a) The number of inspections conducted and the amount of
34 fees collected pursuant to Section 26720.

35 (b) A listing of exempted jurisdictions, as defined in Section
36 26720.

37 (c) The number of dealers removed from the centralized list
38 defined in Section 26715.

39 (d) The number of dealers found to have violated a provision
40 listed in Section 16575 with knowledge or gross negligence.

1 Article 2. Grounds for Forfeiture of License

2
3 26800. A license under this chapter is subject to forfeiture for
4 a breach of any of the prohibitions and requirements of this article,
5 except those stated in the following provisions:

6 (a) Subdivision (c) of Section 26890.

7 (b) Subdivision (d) of Section 26890.

8 (c) Subdivision (b) of Section 26900.

9 26805. (a) Except as provided in subdivisions (b) and (c), the
10 business of a licensee shall be conducted only in the buildings
11 designated in the license.

12 (b) (1) A person licensed pursuant to Sections 26700 and 26705
13 may take possession of firearms and commence preparation of
14 registers for the sale, delivery, or transfer of firearms at any gun
15 show or event, as defined in Section 478.100 of Title 27 of the
16 Code of Federal Regulations, or its successor, if the gun show or
17 event is not conducted from any motorized or towed vehicle. A
18 person conducting business pursuant to this subdivision shall be
19 entitled to conduct business as authorized herein at any gun show
20 or event in the state, without regard to the jurisdiction within this
21 state that issued the license pursuant to Sections 26700 and 26705,
22 provided the person complies with all applicable laws, including,
23 but not limited to, the waiting period specified in subdivision (a)
24 of Section 26815, and all applicable local laws, regulations, and
25 fees, if any.

26 (2) A person conducting business pursuant to this subdivision
27 shall publicly display the person's license issued pursuant to
28 Sections 26700 and 26705, or a facsimile thereof, at any gun show
29 or event, as specified in this subdivision.

30 (c) (1) A person licensed pursuant to Sections 26700 and 26705
31 may engage in the sale and transfer of firearms other than pistols,
32 revolvers, or other firearms capable of being concealed upon the
33 person, at events specified in Sections 26955, 27655, 27900, and
34 27905, subject to the prohibitions and restrictions contained in
35 those sections.

36 (2) A person licensed pursuant to Sections 26700 and 26705
37 may also accept delivery of firearms other than pistols, revolvers,
38 or other firearms capable of being concealed upon the person,
39 outside the building designated in the license, provided the firearm

1 is being donated for the purpose of sale or transfer at an auction
2 or similar event specified in Section 27900.

3 (d) The firearm may be delivered to the purchaser, transferee,
4 or person being loaned the firearm at one of the following places:

5 (1) The building designated in the license.

6 (2) The places specified in subdivision (b) or (c).

7 (3) The place of residence of, the fixed place of business of, or
8 on private property owned or lawfully possessed by, the purchaser,
9 transferee, or person being loaned the firearm.

10 26810. A person's license under this chapter, or a copy thereof
11 certified by the issuing authority, shall be displayed on the premises
12 where it can easily be seen.

13 26815. No firearm shall be delivered:

14 (a) Within 10 days of the application to purchase, or, after notice
15 by the department pursuant to Section 28220, within 10 days of
16 the submission to the department of any correction to the
17 application, or within 10 days of the submission to the department
18 of any fee required pursuant to Section 28225, whichever is later.

19 (b) Unless unloaded and securely wrapped or unloaded and in
20 a locked container.

21 (c) Unless the purchaser, transferee, or person being loaned the
22 firearm presents clear evidence of the person's identity and age to
23 the dealer.

24 (d) Whenever the dealer is notified by the Department of Justice
25 that the person is prohibited by state or federal law from processing,
26 owning, purchasing, or receiving a firearm. The dealer shall make
27 available to the person in the prohibited class a prohibited notice
28 and transfer form, provided by the department, stating that the
29 person is prohibited from owning or possessing a firearm, and that
30 the person may obtain from the department the reason for the
31 prohibition.

32 26820. No pistol, revolver, or other firearm or imitation thereof
33 capable of being concealed upon the person, or placard advertising
34 the sale or other transfer thereof, shall be displayed in any part of
35 the premises where it can readily be seen from the outside.

36 26825. A licensee shall agree to and shall act properly and
37 promptly in processing firearms transactions pursuant to Chapter
38 5 (commencing with Section 28050).

39 26830. A licensee shall comply with all of the following:

40 (a) Sections 27500 to 27535, inclusive.

1 (b) Section 27555.

2 (c) Section 28100.

3 (d) Article 2 (commencing with Section 28150) of Chapter 6.

4 (e) Article 3 (commencing with Section 28200) of Chapter 6.

5 (f) Section 30300.

6 26835. A licensee shall post conspicuously within the licensed
7 premises the following warnings in block letters not less than one
8 inch in height:

9
10 (a) "IF YOU KEEP A LOADED FIREARM WITHIN ANY
11 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
12 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND
13 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES
14 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A
15 MISDEMEANOR OR A FELONY UNLESS YOU STORED
16 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
17 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT
18 FROM TEMPORARILY FUNCTIONING."

19 (b) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
20 FIREARM CAPABLE OF BEING CONCEALED UPON THE
21 PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY
22 OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE
23 GAINS ACCESS TO THE FIREARM, AND CARRIES IT
24 OFF-PREMISES, YOU MAY BE GUILTY OF A
25 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN
26 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH
27 A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY
28 FUNCTIONING."

29 (c) "IF YOU KEEP ANY FIREARM WITHIN ANY
30 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
31 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
32 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A
33 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE
34 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
35 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU
36 STORED THE FIREARM IN A LOCKED CONTAINER, OR
37 LOCKED THE FIREARM WITH A LOCKING DEVICE."

38 (d) "DISCHARGING FIREARMS IN POORLY VENTILATED
39 AREAS, CLEANING FIREARMS, OR HANDLING
40 AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A

1 SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS,
2 REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL
3 INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES.
4 WASH HANDS THOROUGHLY AFTER EXPOSURE.”

5 (e) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
6 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
7 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
8 DAYS AFTER YOU COMPLETE THE INITIAL
9 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
10 TO GO THROUGH THE BACKGROUND CHECK PROCESS
11 A SECOND TIME IN ORDER TO TAKE PHYSICAL
12 POSSESSION OF THAT FIREARM.”

13 (f) “NO PERSON SHALL MAKE AN APPLICATION TO
14 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
15 OTHER FIREARM CAPABLE OF BEING CONCEALED UPON
16 THE PERSON WITHIN ANY 30-DAY PERIOD AND NO
17 DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS
18 MADE AN APPLICATION TO PURCHASE MORE THAN ONE
19 PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF
20 BEING CONCEALED UPON THE PERSON WITHIN ANY
21 30-DAY PERIOD.”

22
23 26840. (a) Commencing April 1, 1994, and until January 1,
24 2003, no pistol, revolver, or other firearm capable of being
25 concealed upon the person shall be delivered unless the purchaser,
26 transferee, or person being loaned the firearm presents to the dealer
27 a basic firearms safety certificate.

28 (b) Commencing January 1, 2003, no dealer may deliver a
29 handgun unless the person receiving the handgun presents to the
30 dealer a valid handgun safety certificate. The firearms dealer shall
31 retain a photocopy of the handgun safety certificate as proof of
32 compliance with this requirement.

33 26845. (a) Commencing January 1, 2003, no handgun may be
34 delivered unless the purchaser, transferee, or person being loaned
35 the firearm presents documentation indicating that the person is a
36 California resident.

37 (b) Satisfactory documentation shall include a utility bill from
38 within the last three months, a residential lease, a property deed,
39 or military permanent duty station orders indicating assignment

1 within this state, or other evidence of residency as permitted by
2 the Department of Justice.

3 (c) The firearms dealer shall retain a photocopy of the
4 documentation as proof of compliance with this requirement.

5 26850. (a) Commencing January 1, 2003, except as authorized
6 by the department, no firearms dealer may deliver a handgun unless
7 the recipient performs a safe handling demonstration with that
8 handgun.

9 (b) The safe handling demonstration shall commence with the
10 handgun unloaded and locked with the firearm safety device with
11 which it is required to be delivered, if applicable. While
12 maintaining muzzle awareness, that is, the firearm is pointed in a
13 safe direction, preferably down at the ground, and trigger discipline,
14 that is, the trigger finger is outside of the trigger guard and along
15 side of the handgun frame, at all times, the handgun recipient shall
16 correctly and safely perform the following:

17 (1) If the handgun is a semiautomatic pistol, the steps listed in
18 Section 26853.

19 (2) If the handgun is a double-action revolver, the steps listed
20 in Section 26856.

21 (3) If the handgun is a single-action revolver, the steps listed in
22 Section 26859.

23 (c) The recipient shall receive instruction regarding how to
24 render that handgun safe in the event of a jam.

25 (d) The firearms dealer shall sign and date an affidavit stating
26 that the requirements of subdivisions (a) and (b) have been met.
27 The firearms dealer shall additionally obtain the signature of the
28 handgun purchaser on the same affidavit. The firearms dealer shall
29 retain the original affidavit as proof of compliance with this
30 requirement.

31 (e) The recipient shall perform the safe handling demonstration
32 for a department-certified instructor.

33 (f) No demonstration shall be required if the dealer is returning
34 the handgun to the owner of the handgun.

35 (g) Department-certified instructors who may administer the
36 safe handling demonstration shall meet the requirements set forth
37 in subdivision (b) of Section 31635.

38 (h) The persons who are exempt from the requirements of
39 subdivision (a) of Section 31615, pursuant to Section 31700, are
40 also exempt from performing the safe handling demonstration.

1 26853. To comply with Section 26850, a safe handling
2 demonstration for a semiautomatic pistol shall include all of the
3 following steps:

4 (a) Remove the magazine.

5 (b) Lock the slide back. If the model of firearm does not allow
6 the slide to be locked back, pull the slide back, visually and
7 physically check the chamber to ensure that it is clear.

8 (c) Visually and physically inspect the chamber, to ensure that
9 the handgun is unloaded.

10 (d) Remove the firearm safety device, if applicable. If the
11 firearm safety device prevents any of the previous steps, remove
12 the firearm safety device during the appropriate step.

13 (e) Load one bright orange, red, or other readily identifiable
14 dummy round into the magazine. If no readily identifiable dummy
15 round is available, an empty cartridge casing with an empty primer
16 pocket may be used.

17 (f) Insert the magazine into the magazine well of the firearm.

18 (g) Manipulate the slide release or pull back and release the
19 slide.

20 (h) Remove the magazine.

21 (i) Visually inspect the chamber to reveal that a round can be
22 chambered with the magazine removed.

23 (j) Lock the slide back to eject the bright orange, red, or other
24 readily identifiable dummy round. If the handgun is of a model
25 that does not allow the slide to be locked back, pull the slide back
26 and physically check the chamber to ensure that the chamber is
27 clear. If no readily identifiable dummy round is available, an empty
28 cartridge casing with an empty primer pocket may be used.

29 (k) Apply the safety, if applicable.

30 (l) Apply the firearm safety device, if applicable. This
31 requirement shall not apply to an Olympic competition pistol if
32 no firearm safety device, other than a cable lock that the department
33 has determined would damage the barrel of the pistol, has been
34 approved for the pistol, and the pistol is either listed in subdivision
35 (b) of Section 32105 or is subject to subdivision (c) of Section
36 32105.

37 26856. To comply with Section 26850, a safe handling
38 demonstration for a double-action revolver shall include all of the
39 following steps:

40 (a) Open the cylinder.

1 (b) Visually and physically inspect each chamber, to ensure that
2 the revolver is unloaded.

3 (c) Remove the firearm safety device. If the firearm safety
4 device prevents any of the previous steps, remove the firearm
5 safety device during the appropriate step.

6 (d) While maintaining muzzle awareness and trigger discipline,
7 load one bright orange, red, or other readily identifiable dummy
8 round into a chamber of the cylinder and rotate the cylinder so that
9 the round is in the next-to-fire position. If no readily identifiable
10 dummy round is available, an empty cartridge casing with an empty
11 primer pocket may be used.

12 (e) Close the cylinder.

13 (f) Open the cylinder and eject the round.

14 (g) Visually and physically inspect each chamber to ensure that
15 the revolver is unloaded.

16 (h) Apply the firearm safety device, if applicable. This
17 requirement shall not apply to an Olympic competition pistol if
18 no firearm safety device, other than a cable lock that the department
19 has determined would damage the barrel of the pistol, has been
20 approved for the pistol, and the pistol is either listed in subdivision
21 (b) of Section 32105 or is subject to subdivision (c) of Section
22 32105.

23 26859. To comply with Section 26850, a safe handling
24 demonstration for a single-action revolver shall include all of the
25 following steps:

26 (a) Open the loading gate.

27 (b) Visually and physically inspect each chamber, to ensure that
28 the revolver is unloaded.

29 (c) Remove the firearm safety device required to be sold with
30 the handgun. If the firearm safety device prevents any of the
31 previous steps, remove the firearm safety device during the
32 appropriate step.

33 (d) Load one bright orange, red, or other readily identifiable
34 dummy round into a chamber of the cylinder, close the loading
35 gate and rotate the cylinder so that the round is in the next-to-fire
36 position. If no readily identifiable dummy round is available, an
37 empty cartridge casing with an empty primer pocket may be used.

38 (e) Open the loading gate and unload the revolver.

39 (f) Visually and physically inspect each chamber to ensure that
40 the revolver is unloaded.

(g) Apply the firearm safety device, if applicable. This requirement shall not apply to an Olympic competition pistol if no firearm safety device, other than a cable lock that the department has determined would damage the barrel of the pistol, has been approved for the pistol, and the pistol is either listed in subdivision (b) of Section 32105 or is subject to subdivision (c) of Section 32105.

26865. Commencing July 1, 1992, a licensee shall offer to provide the purchaser or transferee of a firearm, or person being loaned a firearm, with a copy of the pamphlet described in Section 34205, and may add the cost of the pamphlet, if any, to the sales price of the firearm.

26870. A licensee shall not commit an act of collusion as defined in Section 27550.

26875. A licensee shall post conspicuously within the licensed premises a detailed list of each of the following:

(a) All charges required by governmental agencies for processing firearm transfers required by Section 12806, Chapter 5 (commencing with Section 28050), and Article 3 (commencing with Section 28200) of Chapter 6.

(b) All fees that the licensee charges pursuant to Section 12806 and Chapter 5 (commencing with Section 28050).

26880. A licensee shall not misstate the amount of fees charged by a governmental agency pursuant to Section 12806, Chapter 5 (commencing with Section 28050), and Article 3 (commencing with Section 28200) of Chapter 6.

26885. (a) Except as provided in subdivisions (b) and (c) of Section 26805, all firearms that are in the inventory of a licensee shall be kept within the licensed location.

(b) Within 48 hours of discovery, a licensee shall report the loss or theft of any of the following items to the appropriate law enforcement agency in the city, county, or city and county where the licensee's business premises are located:

(1) Any firearm that is merchandise of the licensee.

(2) Any firearm that the licensee takes possession of pursuant to Chapter 5 (commencing with Section 28050).

(3) Any firearm kept at the licensee's place of business.

26890. (a) Except as provided in subdivisions (b) and (c) of Section 26805, any time when the licensee is not open for business, all inventory firearms shall be stored in the licensed location. All

1 firearms shall be secured using one of the following methods as
2 to each particular firearm:

3 (1) Store the firearm in a secure facility that is a part of, or that
4 constitutes, the licensee's business premises.

5 (2) Secure the firearm with a hardened steel rod or cable of at
6 least one-eighth inch in diameter through the trigger guard of the
7 firearm. The steel rod or cable shall be secured with a hardened
8 steel lock that has a shackle. The lock and shackle shall be
9 protected or shielded from the use of a boltcutter and the rod or
10 cable shall be anchored in a manner that prevents the removal of
11 the firearm from the premises.

12 (3) Store the firearm in a locked fireproof safe or vault in the
13 licensee's business premises.

14 (b) The licensing authority in an unincorporated area of a county
15 or within a city may impose security requirements that are more
16 strict or are at a higher standard than those specified in subdivision
17 (a).

18 (c) Upon written request from a licensee, the licensing authority
19 may grant an exemption from compliance with the requirements
20 of subdivision (a) if the licensee is unable to comply with those
21 requirements because of local ordinances, covenants, lease
22 conditions, or similar circumstances not under the control of the
23 licensee.

24 (d) Subdivision (a) or (b) shall not apply to a licensee organized
25 as a nonprofit public benefit corporation pursuant to Part 2
26 (commencing with Section 5110) of Division 2 of the Corporations
27 Code, or as a mutual benefit corporation pursuant to Part 3
28 (commencing with Section 7110) of Division 2 of the Corporations
29 Code, if both of the following conditions are satisfied:

30 (1) The nonprofit public benefit or mutual benefit corporation
31 obtained the dealer's license solely and exclusively to assist that
32 corporation or local chapters of that corporation in conducting
33 auctions or similar events at which firearms are auctioned off to
34 fund the activities of that corporation or the local chapters of the
35 corporation.

36 (2) The firearms are not pistols, revolvers, or other firearms
37 capable of being concealed upon the person.

38 26895. Commencing January 1, 1994, a licensee shall, upon
39 the issuance or renewal of a license, submit a copy of it to the
40 Department of Justice.

1 26900. (a) A licensee shall maintain and make available for
2 inspection during business hours to any peace officer, authorized
3 local law enforcement employee, or Department of Justice
4 employee designated by the Attorney General, upon the
5 presentation of proper identification, a firearm transaction record,
6 as defined in Section 16550.

7 (b) A licensee shall be in compliance with the provisions of
8 subdivision (a) if the licensee maintains and makes available for
9 inspection during business hours to any peace officer, authorized
10 local law enforcement employee, or Department of Justice
11 employee designated by the Attorney General, upon the
12 presentation of proper identification, the bound book containing
13 the same information referred to in Section 478.124a and
14 subdivision (e) of Section 478.125 of Title 27 of the Code of
15 Federal Regulations and the records referred to in subdivision (a)
16 of Section 478.124 of Title 27 of the Code of Federal Regulations.

17 26905. (a) On the date of receipt, a licensee shall report to the
18 Department of Justice, in a format prescribed by the department,
19 the acquisition by the licensee of the ownership of a pistol,
20 revolver, or other firearm capable of being concealed upon the
21 person.

22 (b) The provisions of this section shall not apply to any of the
23 following transactions:

24 (1) A transaction subject to the provisions of Sections 26960
25 and 27660.

26 (2) The dealer acquired the firearm from a wholesaler.

27 (3) The dealer acquired the firearm from a person who is
28 licensed as a manufacturer or importer to engage in those activities
29 pursuant to Chapter 44 (commencing with Section 921) of Title
30 18 of the United States Code and any regulations issued pursuant
31 thereto.

32 (4) The dealer acquired the firearm from a person who resides
33 outside this state who is licensed pursuant to Chapter 44
34 (commencing with Section 921) of Title 18 of the United States
35 Code and any regulations issued pursuant thereto.

36 (5) Until July 1, 2010, the dealer is also licensed as a secondhand
37 dealer pursuant to Article 4 (commencing with Section 21625) of
38 Chapter 9 of Division 8 of the Business and Professions Code,
39 acquires a handgun, and reports its acquisition pursuant to Section
40 21628 of the Business and Professions Code.

1 (6) Commencing July 1, 2010, the dealer is also licensed as a
2 secondhand dealer pursuant to Article 4 (commencing with Section
3 21625) of Chapter 9 of Division 8 of the Business and Professions
4 Code, acquires a handgun, and reports its acquisition pursuant to
5 Section 21628.2 of the Business and Professions Code.

6 26910. A licensee shall forward, in a format prescribed by the
7 Department of Justice, information as required by the department
8 on any firearm that is not delivered within the time period set forth
9 in Section 478.102(c) of Title 27 of the Code of Federal
10 Regulations.

11 26915. (a) A firearms dealer may require any agent who
12 handles, sells, or delivers firearms to obtain and provide to the
13 dealer a certificate of eligibility from the Department of Justice
14 pursuant to Section 26710. On the application for the certificate,
15 the agent or employee shall provide the name and California
16 firearms dealer number of the firearms dealer with whom the
17 person is employed.

18 (b) The department shall notify the firearms dealer in the event
19 that the agent or employee who has a certificate of eligibility is or
20 becomes prohibited from possessing firearms.

21 (c) If the local jurisdiction requires a background check of the
22 agents or employees of a firearms dealer, the agent or employee
23 shall obtain a certificate of eligibility pursuant to subdivision (a).

24 (d) (1) Nothing in this section shall be construed to preclude a
25 local jurisdiction from conducting an additional background check
26 pursuant to Section 11105. The local jurisdiction may not charge
27 a fee for the additional criminal history check.

28 (2) Nothing in this section shall be construed to preclude a local
29 jurisdiction from prohibiting employment based on criminal history
30 that does not appear as part of obtaining a certificate of eligibility.

31 (e) The licensee shall prohibit any agent who the licensee knows
32 or reasonably should know is within a class of persons prohibited
33 from possessing firearms pursuant to Chapter 2 (commencing with
34 Section 29800) or Chapter 3 (commencing with Section 29900)
35 of Division 9 of this title, or Section 8100 or 8103 of the Welfare
36 and Institutions Code, from coming into contact with any firearm
37 that is not secured and from accessing any key, combination, code,
38 or other means to open any of the locking devices described in
39 subdivision (g).

1 (f) Nothing in this section shall be construed as preventing a
2 local government from enacting an ordinance imposing additional
3 conditions on licensees with regard to agents.

4 (g) For purposes of this article, “secured” means a firearm that
5 is made inoperable in one or more of the following ways:

6 (1) The firearm is inoperable because it is secured by a firearm
7 safety device listed on the department’s roster of approved firearm
8 safety devices pursuant to subdivision (d) of Section 23655.

9 (2) The firearm is stored in a locked gun safe or long-gun safe
10 that meets the standards for department-approved gun safes set
11 forth in Section 23650.

12 (3) The firearm is stored in a distinct locked room or area in the
13 building that is used to store firearms, which can only be unlocked
14 by a key, a combination, or similar means.

15 (4) The firearm is secured with a hardened steel rod or cable
16 that is at least one-eighth of an inch in diameter through the trigger
17 guard of the firearm. The steel rod or cable shall be secured with
18 a hardened steel lock that has a shackle. The lock and shackle shall
19 be protected or shielded from the use of a boltcutter and the rod
20 or cable shall be anchored in a manner that prevents the removal
21 of the firearm from the premises.

22
23 Article 3. Exceptions Extending Only to Waiting Period
24

25 26950. (a) The waiting period described in Section 26815 does
26 not apply to the sale, delivery, or transfer of firearms made to any
27 person who satisfies both of the following requirements:

28 (1) The person is properly identified as a full-time paid peace
29 officer, as defined in Chapter 4.5 (commencing with Section 830)
30 of Title 3 of Part 2.

31 (2) The officer’s employer has authorized the officer to carry
32 firearms while in the performance of duties.

33 (b) (1) Proper identification is defined as verifiable written
34 certification from the head of the agency by which the purchaser
35 or transferee is employed, identifying the purchaser or transferee
36 as a peace officer who is authorized to carry firearms while in the
37 performance of duties, and authorizing the purchase or transfer.

38 (2) The certification shall be delivered to the dealer at the time
39 of purchase or transfer and the purchaser or transferee shall identify
40 himself or herself as the person authorized in the certification.

1 (3) The dealer shall keep the certification with the record of
2 sale.

3 (4) On the date that the sale, delivery, or transfer is made, the
4 dealer delivering the firearm shall transmit to the Department of
5 Justice an electronic or telephonic report of the transaction as is
6 indicated in Section 28160 or 28165.

7 26955. (a) The waiting period described in Section 26815 does
8 not apply to a dealer who delivers a firearm, other than a handgun,
9 at an auction or similar event described in Section 27900, as
10 authorized by subdivision (c) of Section 26805.

11 (b) Within two business days of completion of the application
12 to purchase, the dealer shall forward by prepaid mail to the
13 Department of Justice a report of the application as is indicated in
14 Section 28165.

15 (c) If the electronic or telephonic transfer of applicant
16 information is used, within two business days of completion of
17 the application to purchase, the dealer delivering the firearm shall
18 transmit to the Department of Justice an electronic or telephonic
19 report of the application as is indicated in Section 28165.

20 26960. (a) The waiting period described in Section 26815 does
21 not apply to the sale, delivery, or transfer of a handgun by a dealer
22 in either of the following situations:

23 (1) The dealer is delivering the firearm to another dealer, the
24 firearm is not intended as merchandise in the receiving dealer's
25 business, and the requirements of subdivisions (b) and (c) are
26 satisfied.

27 (2) The dealer is delivering the firearm to himself or herself,
28 the firearm is not intended as merchandise in the dealer's business,
29 and the requirements of subdivision (c) are satisfied.

30 (b) If the dealer is receiving the firearm from another dealer,
31 the dealer receiving the firearm shall present proof to the dealer
32 delivering the firearm that the receiving dealer is licensed pursuant
33 to Article 1 (commencing with Section 26700) and Article 2
34 (commencing with Section 26800). This shall be done by
35 complying with Section 27555.

36 (c) (1) Regardless of whether the dealer is selling, delivering,
37 or transferring the firearm to another dealer or to himself or herself,
38 on the date that the application to purchase is completed, the dealer
39 delivering the firearm shall forward by prepaid mail to the
40 Department of Justice a report of the application and the type of

1 information concerning the purchaser or transferee as is indicated
2 in Section 28160.

3 (2) Where electronic or telephonic transfer of applicant
4 information is used, on the date that the application to purchase is
5 completed, the dealer delivering the firearm shall transmit an
6 electronic or telephonic report of the application and the type of
7 information concerning the purchaser or transferee as is indicated
8 in Section 28160.

9 26965. (a) The waiting period described in Section 26815 does
10 not apply to the sale, delivery, or transfer of a firearm to the holder
11 of a special weapons permit issued by the Department of Justice
12 pursuant to Section 32650 or 33300, pursuant to Article 3
13 (commencing with Section 18900) of Chapter 1 of Division 5 of
14 Title 2, or pursuant to Article 4 (commencing with Section 32700)
15 of Chapter 6 of Division 10 of this title.

16 (b) On the date that the application to purchase is completed,
17 the dealer delivering the firearm shall transmit to the Department
18 of Justice an electronic or telephonic report of the application as
19 is indicated in Section 28160 or 28165.

20 26970. (a) The waiting period described in Section 26815 does
21 not apply to the sale, delivery, loan, or transfer of a firearm if all
22 of the following conditions are satisfied:

23 (1) The firearm is a curio or relic, as defined in Section 478.11
24 of Title 27 of the Code of Federal Regulations, or its successor.

25 (2) The sale, delivery, loan, or transfer is made by a dealer.

26 (3) The sale, delivery, loan, or transfer is made to a person who
27 is licensed as a collector pursuant to Chapter 44 (commencing with
28 Section 921) of Title 18 of the United States Code and the
29 regulations issued pursuant thereto.

30 (4) The licensed collector has a current certificate of eligibility
31 issued by the Department of Justice pursuant to Section 26710.

32 (b) On the date that the sale, delivery, or transfer is made, the
33 dealer delivering the firearm shall transmit to the Department of
34 Justice an electronic or telephonic report of the transaction as is
35 indicated in Section 28160 or 28165.

1 Article 4. Exceptions Extending Only to Grounds for Forfeiture
2 of License
3

4 27000. (a) Article 2 (commencing with Section 26800) does
5 not apply to the loan of a firearm if all of the following conditions
6 are satisfied:

7 (1) The firearm is unloaded.

8 (2) The loan is made by a dealer.

9 (3) The loan is made to a person who possesses a valid
10 entertainment firearms permit issued pursuant to Chapter 2
11 (commencing with Section 29500) of Division 8.

12 (4) The firearm is loaned solely for use as a prop in a motion
13 picture, television, video, theatrical, or other entertainment
14 production or event.

15 (b) The dealer shall retain a photocopy of the entertainment
16 firearms permit as proof of compliance with this requirement.

17 27005. (a) Article 2 (commencing with Section 26800) does
18 not apply to the loan of an unloaded firearm to a
19 consultant-evaluator by a person licensed pursuant to Sections
20 26700 to 26915, inclusive, if the loan does not exceed 45 days
21 from the date of delivery.

22 (b) At the time of the loan, the consultant-evaluator shall provide
23 the following information, which the dealer shall retain for two
24 years:

25 (1) A photocopy of a valid, current, government-issued
26 identification to determine the consultant-evaluator's identity,
27 including, but not limited to, a California driver's license,
28 identification card, or passport.

29 (2) A photocopy of the consultant-evaluator's valid, current
30 certificate of eligibility.

31 (3) A letter from the person licensed as an importer,
32 manufacturer, or dealer pursuant to Chapter 44 (commencing with
33 Section 921) of Title 18 of the United States Code, with whom the
34 consultant-evaluator has a bona fide business relationship. The
35 letter shall detail the bona fide business purposes for which the
36 firearm is being loaned and confirm that the consultant-evaluator
37 is being loaned the firearm as part of a bona fide business
38 relationship.

1 (4) The signature of the consultant-evaluator on a form
2 indicating the date the firearm is loaned and the last day the firearm
3 may be returned.

4
5 Article 5. Exceptions Relating to Law Enforcement
6

7 27050. (a) Article 1 (commencing with Section 26700) and
8 Article 2 (commencing with Section 26800) do not apply to any
9 sale, delivery, or transfer of firearms made to an authorized law
10 enforcement representative of any city, county, city and county,
11 or state, or of the federal government, for exclusive use by that
12 governmental agency if, prior to the sale, delivery, or transfer of
13 these firearms, written authorization from the head of the agency
14 authorizing the transaction is presented to the person from whom
15 the purchase, delivery, or transfer is being made.

16 (b) Proper written authorization is defined as verifiable written
17 certification from the head of the agency by which the purchaser
18 or transferee is employed, identifying the employee as an individual
19 authorized to conduct the transaction, and authorizing the
20 transaction for the exclusive use of the agency by which that person
21 is employed.

22 (c) Within 10 days of the date a handgun is acquired by the
23 agency, a record of the same shall be entered as an institutional
24 weapon into the Automated Firearms System (AFS) via the
25 California Law Enforcement Telecommunications System
26 (CLETS) by the law enforcement or state agency. Any agency
27 without access to AFS shall arrange with the sheriff of the county
28 in which the agency is located to input this information via this
29 system.

30 27055. Article 1 (commencing with Section 26700) and Article
31 2 (commencing with Section 26800) do not apply to the loan of a
32 firearm if all of the following conditions are satisfied:

33 (a) The loan is made by an authorized law enforcement
34 representative of a city, county, or city and county, or of the state
35 or federal government.

36 (b) The loan is made to a peace officer employed by that agency
37 and authorized to carry a firearm.

38 (c) The loan is made for the carrying and use of that firearm by
39 that peace officer in the course and scope of the officer's duties.

1 27060. (a) Article 1 (commencing with Section 26700) and
2 Article 2 (commencing with Section 26800) do not apply to the
3 sale, delivery, or transfer of a firearm by a law enforcement agency
4 to a peace officer pursuant to Section 10334 of the Public Contract
5 Code.

6 (b) Within 10 days of the date that a handgun is sold, delivered,
7 or transferred pursuant to Section 10334 of the Public Contract
8 Code to that peace officer, the name of the officer and the make,
9 model, serial number, and other identifying characteristics of the
10 firearm being sold, delivered, or transferred shall be entered into
11 the Automated Firearms System (AFS) via the California Law
12 Enforcement Telecommunications System (CLETS) by the law
13 enforcement or state agency that sold, delivered, or transferred the
14 firearm. Any agency without access to AFS shall arrange with the
15 sheriff of the county in which the agency is located to input this
16 information via this system.

17 27065. (a) Article 1 (commencing with Section 26700) and
18 Article 2 (commencing with Section 26800) do not apply to the
19 sale, delivery, or transfer of a firearm by a law enforcement agency
20 to a retiring peace officer who is authorized to carry a firearm
21 pursuant to Chapter 5 (commencing with Section 26300) of
22 Division 5.

23 (b) Within 10 days of the date that a handgun is sold, delivered,
24 or transferred to that retiring peace officer, the name of the officer
25 and the make, model, serial number, and other identifying
26 characteristics of the firearm being sold, delivered, or transferred
27 shall be entered into the Automated Firearms System (AFS) via
28 the California Law Enforcement Telecommunications System
29 (CLETS) by the law enforcement or state agency that sold,
30 delivered, or transferred the firearm. Any agency without access
31 to AFS shall arrange with the sheriff of the county in which the
32 agency is located to input this information via this system.

33 34 Article 6. Other Exceptions 35

36 27100. Article 1 (commencing with Section 26700) and Article
37 2 (commencing with Section 26800) do not apply to sales,
38 deliveries, or transfers of firearms between or to importers and
39 manufacturers of firearms licensed to engage in that business
40 pursuant to Chapter 44 (commencing with Section 921) of Title

1 18 of the United States Code and the regulations issued pursuant
2 thereto.

3 27105. Article 1 (commencing with Section 26700) and Article
4 2 (commencing with Section 26800) do not apply to the delivery
5 of a firearm to a gunsmith for service or repair, or to the return of
6 the firearm to its owner by the gunsmith, or to the delivery of a
7 firearm by a gunsmith to a person licensed pursuant to Chapter 44
8 (commencing with Section 921) of Title 18 of the United States
9 Code for service or repair and the return of the firearm to the
10 gunsmith.

11 27110. Article 1 (commencing with Section 26700) and Article
12 2 (commencing with Section 26800) do not apply to the sale,
13 delivery, or transfer of firearms if all of the following conditions
14 are satisfied:

15 (a) The firearms are unloaded.

16 (b) The firearms are not handguns.

17 (c) The sale, delivery, or transfer is made by a dealer to another
18 dealer, upon proof of compliance with the requirements of Section
19 27555.

20 27115. Article 1 (commencing with Section 26700) and Article
21 2 (commencing with Section 26800) do not apply to the sale,
22 delivery, or transfer of unloaded firearms by a dealer to a person
23 who resides outside this state and is licensed pursuant to Chapter
24 44 (commencing with Section 921) of Title 18 of the United States
25 Code and the regulations issued pursuant thereto.

26 27120. Article 1 (commencing with Section 26700) and Article
27 2 (commencing with Section 26800) do not apply to the sale,
28 delivery, or transfer of unloaded firearms to a wholesaler if the
29 firearms are being returned to the wholesaler and are intended as
30 merchandise in the wholesaler's business.

31 27125. Article 1 (commencing with Section 26700) and Article
32 2 (commencing with Section 26800) do not apply to the sale,
33 delivery, or transfer of firearms if all of the following conditions
34 are satisfied:

35 (a) The firearms are unloaded.

36 (b) The sale, delivery, or transfer is made by one dealer to
37 another dealer, upon proof of compliance with the requirements
38 of Section 27555.

39 (c) The firearms are intended as merchandise in the receiving
40 dealer's business.

1 27130. Article 1 (commencing with Section 26700) and Article
2 2 (commencing with Section 26800) do not apply to the sale,
3 delivery, or transfer of an unloaded firearm, other than a handgun,
4 by a dealer to himself or herself.

5 27135. Article 1 (commencing with Section 26700) and Article
6 2 (commencing with Section 26800) do not apply to the loan of
7 an unloaded firearm by a dealer who also operates a target facility
8 that holds a business or regulatory license on the premises of the
9 building designated in the license or whose building designated
10 in the license is on the premises of any club or organization
11 organized for the purposes of practicing shooting at targets upon
12 established ranges, whether public or private, to a person at that
13 target facility or that club or organization, if the firearm is at all
14 times kept within the premises of the target range or on the
15 premises of the club or organization.

16 27140. Article 1 (commencing with Section 26700) and Article
17 2 (commencing with Section 26800) do not apply to the sale,
18 delivery, or transfer of a firearm regulated pursuant to any of the
19 following statutes, if the sale, delivery, or transfer of that firearm
20 is conducted in accordance with the applicable provisions of the
21 statute:

22 (a) Chapter 1 (commencing with Section 18710) of Division 5
23 of Title 2, relating to destructive devices and explosives.

24 (b) Section 24410, relating to cane guns, and the exemptions in
25 Chapter 1 (commencing with Section 17700) of Title 2, as they
26 relate to cane guns.

27 (c) Section 24510, relating to firearms that are not immediately
28 recognizable as firearms, and the exemptions in Chapter 1
29 (commencing with Section 17700) of Title 2, as they relate to
30 firearms that are not immediately recognizable as firearms.

31 (d) Sections 24610 and 24680, relating to undetectable firearms,
32 and the exemptions in Chapter 1 (commencing with Section 17700)
33 of Title 2, as they relate to undetectable firearms.

34 (e) Section 24710, relating to wallet guns, and the exemptions
35 in Chapter 1 (commencing with Section 17700) of Title 2, as they
36 relate to wallet guns.

37 (f) Chapter 2 (commencing with Section 30500) of Division
38 10, relating to assault weapons.

(g) Section 31500, relating to unconventional pistols, and the exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they relate to unconventional pistols.

(h) Sections 33215 to 33225, inclusive, relating to short-barreled rifles and short-barreled shotguns, and the exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they relate to short-barreled rifles and short-barreled shotguns.

(i) Chapter 6 (commencing with Section 32610) of Division 10, relating to machineguns.

(j) Section 33600, relating to zip guns, and the exemptions in Chapter 1 (commencing with Section 17700) of Title 2, as they relate to zip guns.

CHAPTER 3. GUN SHOW OR EVENT

Article 1. Gun Show or Event

27200. (a) No person shall produce, promote, sponsor, operate, or otherwise organize a gun show or event, as specified in subdivision (b) of Section 26805, unless that person possesses a valid certificate of eligibility from the Department of Justice.

(b) Unless the department's records indicate that the applicant is a person prohibited from possessing firearms, a certificate of eligibility shall be issued by the Department of Justice to an applicant provided the applicant does all of the following:

(1) Certifies that the applicant is familiar with the provisions of this article and Article 2 (commencing with Section 27300).

(2) Ensures that liability insurance is in effect for the duration of an event or show in an amount of not less than one million dollars (\$1,000,000).

(3) Provides an annual list of the gun shows or events that the applicant plans to promote, produce, sponsor, operate, or otherwise organize during the year for which the certificate of eligibility is issued, including the date, time, and location of the gun shows or events.

(c) If during that year the information required by paragraph (3) of subdivision (b) changes, or additional gun shows or events will be promoted, produced, sponsored, operated, or otherwise organized by the applicant, the producer shall notify the

1 Department of Justice no later than 30 days prior to the gun show
2 or event.

3 (d) The Department of Justice shall adopt regulations to
4 administer the certificate of eligibility program under this section.

5 (e) The Department of Justice shall recover the full costs of
6 administering the certificate of eligibility program by fees assessed
7 applicants who apply for certificates. A licensed gun show producer
8 shall be assessed an annual fee of eighty-five dollars (\$85) by the
9 department.

10 (f) It is the intent of the Legislature that the certificate of
11 eligibility program established pursuant to this section be
12 incorporated into the certificate of eligibility program established
13 pursuant to Section 26710 to the maximum extent practicable.

14 27205. (a) Before commencement of a gun show or event, the
15 producer thereof shall, upon written request from a law
16 enforcement agency with jurisdiction over the facility, make
17 available to that agency, within 48 hours or a later time specified
18 by the agency, a complete and accurate list of all persons, entities,
19 and organizations that have leased or rented, or are known to the
20 producer to intend to lease or rent, any table, display space, or area
21 at the gun show or event for the purpose of selling, leasing, or
22 transferring firearms.

23 (b) The producer shall thereafter, upon written request, for every
24 day the gun show or event operates, within 24 hours or a later time
25 specified by the requesting law enforcement agency, make available
26 to that agency an accurate, complete, and current list of the persons,
27 entities, and organizations that have leased or rented, or are known
28 to the producer to intend to lease or rent, any table, display space,
29 or area at the gun show or event for the purpose of selling, leasing,
30 or transferring firearms.

31 (c) Subdivisions (a) and (b) apply to any person, entity, or
32 organization, regardless of whether that person, entity, or
33 organization participates in the entire gun show or event, or only
34 a portion thereof.

35 (d) The information that may be requested by the law
36 enforcement agency with jurisdiction over the facility, and that
37 shall be provided by the producer upon request, may include, but
38 is not limited to, the following information relative to a vendor
39 who offers for sale firearms manufactured after December 31,
40 1898:

1 (1) The vendor's complete name.

2 (2) A driver's license or identification card number.

3 27210. (a) The producer and facility manager of a gun show
4 or event shall prepare an annual event and security plan and
5 schedule that shall include, at a minimum, the following
6 information for each show or event:

7 (1) The type of show or event including, but not limited to,
8 antique or general firearms.

9 (2) The estimated number of vendors offering firearms for sale
10 or display.

11 (3) The estimated number of attendees.

12 (4) The number of entrances and exits at the gun show or event
13 site.

14 (5) The location, dates, and times of the show or event.

15 (6) The contact person and telephone number for both the
16 producer and the facility.

17 (7) The number of sworn peace officers employed by the
18 producer or the facilities manager who will be present at the show
19 or event.

20 (8) The number of nonsworn security personnel employed by
21 the producer or the facility's manager who will be present at the
22 show or event.

23 (b) The annual event and security plan shall be submitted by
24 either the producer or the facility's manager to the Department of
25 Justice and the law enforcement agency with jurisdiction over the
26 facility.

27 (c) If significant changes have been made since the annual plan
28 was submitted, the producer shall, not later than 15 days before
29 commencement of the gun show or event, submit to the department,
30 the law enforcement agency with jurisdiction over the facility site,
31 and the facility's manager, a revised event and security plan,
32 including a revised list of vendors that the producer knows, or
33 reasonably should know, will be renting tables, space, or otherwise
34 participating in the gun show or event.

35 (d) The event and security plan shall be approved by the
36 facility's manager before the event or show, after consultation with
37 the law enforcement agency with jurisdiction over the facility.

38 (e) No gun show or event shall commence unless the
39 requirements of subdivisions (b), (c), and (d) are met.

1 27215. The producer of a gun show or event shall be
2 responsible for informing prospective gun show vendors of the
3 requirements of this article and of Article 2 (commencing with
4 Section 27300) that apply to vendors.

5 27220. (a) Within seven calendar days of the commencement
6 of a gun show or event, but not later than noon on Friday for a
7 show or event held on a weekend, the producer shall submit a list
8 of all prospective vendors and designated firearms transfer agents
9 who are licensed firearms dealers to the Department of Justice for
10 the purpose of determining whether these prospective vendors and
11 designated firearms transfer agents possess valid licenses and are
12 thus eligible to participate as licensed dealers at the show or event.

13 (b) The department shall examine its records and if it determines
14 that a dealer's license is not valid, it shall notify the show or event
15 producer of that fact before the show or event commences.

16 27225. If a licensed firearms dealer fails to cooperate with a
17 producer of a gun show or event, or fails to comply with the
18 applicable requirements of this article or Article 2 (commencing
19 with Section 27300), that person shall not be allowed to participate
20 in that show or event.

21 27230. If a producer fails to comply with Section 27215 or
22 27220, the gun show or event shall not commence until those
23 requirements are met.

24 27235. Every producer of a gun show or event shall have a
25 written contract with each gun show vendor selling firearms at the
26 show or event.

27 27240. (a) The producer of a gun show or event shall require
28 that signs be posted in a readily visible location at each public
29 entrance to the show containing, but not limited to, the following
30 notices:

31 (1) This gun show follows all federal, state, and local firearms
32 and weapons laws, without exception.

33 (2) Any firearm carried onto the premises by any member of
34 the public will be checked, cleared of any ammunition, and secured
35 in a manner that prevents it from being operated, and an
36 identification tag or sticker will be attached to the firearm before
37 the person is allowed admittance to the show.

38 (3) No member of the public under the age of 18 years shall be
39 admitted to the show unless accompanied by a parent, grandparent,
40 or legal guardian.

1 (4) All firearms transfers between private parties at the show
2 shall be conducted through a licensed dealer in accordance with
3 applicable state and federal laws.

4 (5) Persons possessing firearms at this facility must have in their
5 immediate possession government-issued photo identification, and
6 display it upon request to any security officer or any peace officer,
7 as defined in Section 830.

8 (b) The show producer shall post, in a readily visible location
9 at each entrance to the parking lot at the show, signage that states:
10 “The transfer of firearms on the parking lot of this facility is a
11 crime.”

12 27245. (a) A willful failure by a gun show producer to comply
13 with any of the requirements of this article, except for the posting
14 of required signs, shall be a misdemeanor punishable by a fine not
15 to exceed two thousand dollars (\$2,000), and shall render the
16 producer ineligible for a gun show producer license for one year
17 from the date of the conviction.

18 (b) A willful failure of a gun show producer to post signs as
19 required by this article shall be a misdemeanor punishable by a
20 fine not to exceed one thousand dollars (\$1,000) for the first offense
21 and not to exceed two thousand dollars (\$2,000) for the second or
22 subsequent offense, and with respect to the second or subsequent
23 offense, shall render the producer ineligible for a gun show
24 producer license for one year from the date of the conviction.

25 (c) Multiple violations charged pursuant to subdivision (a)
26 arising from more than one gun show or event shall be grounds
27 for suspension of a producer’s certificate of eligibility pending
28 adjudication of the violations.

29
30 Article 2. Gun Show Enforcement and Security Act of 2000
31

32 27300. This article shall be known, and may be cited as, the
33 Gun Show Enforcement and Security Act of 2000.

34 27305. All gun show or event vendors shall certify in writing
35 to the producer that they:

36 (a) Will not display, possess, or offer for sale any firearms,
37 knives, or weapons for which possession or sale is prohibited.

38 (b) Acknowledge that they are responsible for knowing and
39 complying with all applicable federal, state, and local laws dealing
40 with the possession and transfer of firearms.

1 (c) Will not engage in activities that incite or encourage hate
2 crimes.

3 (d) Will process all transfers of firearms through licensed
4 firearms dealers as required by state law.

5 (e) Will verify that all firearms in their possession at the show
6 or event will be unloaded, and that the firearms will be secured in
7 a manner that prevents them from being operated except for brief
8 periods when the mechanical condition of a firearm is being
9 demonstrated to a prospective buyer.

10 (f) Have complied with the requirements of Section 27320.

11 (g) Will not display or possess black powder, or offer it for sale.

12 27310. All firearms transfers at a gun show or event shall be
13 in accordance with applicable state and federal laws.

14 27315. Except for purposes of showing ammunition to a
15 prospective buyer, ammunition at a gun show or event may be
16 displayed only in closed original factory boxes or other closed
17 containers.

18 27320. (a) Before commencement of a gun show or event,
19 each vendor who will offer for sale firearms manufactured after
20 December 31, 1898, shall provide to the producer all of the
21 following information relative to the vendor, the vendor's
22 employees, and other persons, compensated or not, who will be
23 working or otherwise providing services to the public at the
24 vendor's display space:

25 (1) The person's complete name.

26 (2) The person's driver's license or state-issued identification
27 card number.

28 (3) The person's date of birth.

29 (b) The producer shall keep the information at the onsite
30 headquarters of the show or event for the duration of the show or
31 event, and at the producer's regular place of business for two weeks
32 after the conclusion of the show or event. The producer shall make
33 the information available upon request to any sworn peace officer
34 for purposes of the officer's official law enforcement duties.

35 27325. At any gun show or event, each vendor and each
36 employee of a vendor shall wear a name tag indicating first and
37 last name.

38 27330. No person at a gun show or event, other than security
39 personnel or sworn peace officers, shall possess at the same time
40 both a firearm and ammunition that is designed to be fired in the

1 firearm. Vendors having those items at the show for sale or
2 exhibition are exempt from this prohibition.

3 27335. No member of the public who is under the age of 18
4 years shall be admitted to, or be permitted to remain at, a gun show
5 or event unless accompanied by a parent or legal guardian. Any
6 member of the public who is under the age of 18 years shall be
7 accompanied by that person's parent, grandparent, or legal guardian
8 while at the show or event.

9 27340. (a) Persons other than show or event security personnel,
10 sworn peace officers, or vendors, who bring firearms onto the gun
11 show or event premises shall sign in ink the tag or sticker that is
12 attached to the firearm prior to being allowed admittance to the
13 show or event, as provided for in subdivision (b).

14 (b) All firearms carried onto the premises of a gun show or event
15 by members of the public shall be checked, cleared of any
16 ammunition, secured in a manner that prevents them from being
17 operated, and an identification tag or sticker shall be attached to
18 the firearm, prior to the person being allowed admittance to the
19 show. The identification tag or sticker shall state that all firearms
20 transfers between private parties at the show or event shall be
21 conducted through a licensed dealer in accordance with applicable
22 state and federal laws. The person possessing the firearm shall
23 complete the following information on the tag before it is attached
24 to the firearm:

25 (1) The gun owner's signature.

26 (2) The gun owner's printed name.

27 (3) The identification number from the gun owner's
28 government-issued photo identification.

29 27345. Any person who possesses a firearm at a gun show or
30 event shall have government-issued photo identification in
31 immediate possession, and shall display it upon request to any
32 security officer or peace officer.

33 27350. (a) Unless otherwise specified, a first violation of this
34 article is an infraction.

35 (b) Any second or subsequent violation of this article is a
36 misdemeanor.

37 (c) Any person who commits an act the person knows to be a
38 violation of this article is guilty of a misdemeanor for a first
39 offense.

1 Article 3. Exceptions Relating to Law Enforcement

2
3 27400. (a) Article 1 (commencing with Section 27200) and
4 Article 2 (commencing with Section 27300) do not apply to any
5 sale, delivery, or transfer of firearms made to an authorized law
6 enforcement representative of any city, county, city and county,
7 or state, or of the federal government, for exclusive use by that
8 governmental agency if, prior to the sale, delivery, or transfer of
9 these firearms, written authorization from the head of the agency
10 authorizing the transaction is presented to the person from whom
11 the purchase, delivery, or transfer is being made.

12 (b) Proper written authorization is defined as verifiable written
13 certification from the head of the agency by which the purchaser
14 or transferee is employed, identifying the employee as an individual
15 authorized to conduct the transaction, and authorizing the
16 transaction for the exclusive use of the agency by which that person
17 is employed.

18 (c) Within 10 days of the date a handgun is acquired by the
19 agency, a record of the same shall be entered as an institutional
20 weapon into the Automated Firearms System (AFS) via the
21 California Law Enforcement Telecommunications System
22 (CLETS) by the law enforcement or state agency. Any agency
23 without access to AFS shall arrange with the sheriff of the county
24 in which the agency is located to input this information via this
25 system.

26 27405. Article 1 (commencing with Section 27200) and Article
27 2 (commencing with Section 27300) do not apply to the loan of a
28 firearm if all of the following conditions are satisfied:

29 (a) The loan is made by an authorized law enforcement
30 representative of a city, county, or city and county, or of the state
31 or federal government.

32 (b) The loan is made to a peace officer employed by that agency
33 and authorized to carry a firearm.

34 (c) The loan is made for the carrying and use of that firearm by
35 that peace officer in the course and scope of the officer's duties.

36 27410. (a) Article 1 (commencing with Section 27200) and
37 Article 2 (commencing with Section 27300) do not apply to the
38 sale, delivery, or transfer of a firearm by a law enforcement agency
39 to a peace officer pursuant to Section 10334 of the Public Contract
40 Code.

(b) Within 10 days of the date that a handgun is sold, delivered, or transferred pursuant to Section 10334 of the Public Contract Code to that peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency that sold, delivered, or transferred the firearm. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

27415. (a) Article 1 (commencing with Section 27200) and Article 2 (commencing with Section 27300) do not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a retiring peace officer who is authorized to carry a firearm pursuant to Chapter 5 (commencing with Section 26300) of Division 5.

(b) Within 10 days of the date that a handgun is sold, delivered, or transferred to that retiring peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency that sold, delivered, or transferred the firearm. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

CHAPTER 4. CRIMES RELATING TO SALE, LEASE, OR TRANSFER OF FIREARMS

Article 1. Crimes Relating to Sale, Lease, or Transfer of Firearms

27500. (a) No person, corporation, or firm shall knowingly sell, supply, deliver, or give possession or control of a firearm to any person within any of the classes prohibited by Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9.

(b) No person, corporation, or dealer shall sell, supply, deliver, or give possession or control of a firearm to anyone whom the person, corporation, or dealer has cause to believe is within any of the classes prohibited by Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code.

27505. (a) No person, corporation, or firm shall sell, loan, or transfer a firearm to a minor, nor sell a handgun to an individual under 21 years of age.

(b) Subdivision (a) shall not apply to or affect the following circumstances:

(1) The sale of a handgun, if the handgun is an antique firearm and the sale is to a person at least 18 years of age.

(2) The transfer or loan of a firearm, other than a handgun, to a minor by the minor's parent or legal guardian.

(3) The transfer or loan of a firearm, other than a handgun, to a minor by a grandparent who is not the legal guardian of the minor, if the transfer is done with the express permission of the minor's parent or legal guardian.

(4) The loan of a firearm, other than a handgun, to a minor, with the express permission of the minor's parent or legal guardian, if the loan does not exceed 30 days in duration and is for a lawful purpose.

(5) The loan of a handgun to a minor by the minor's parent or legal guardian, if both of the following requirements are satisfied:

(A) The minor is being loaned the firearm for the purposes of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(B) The duration of the loan does not exceed the amount of time that is reasonably necessary to engage in the lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

1 (6) The loan of a handgun to a minor by a person who is not the
2 minor's parent or legal guardian, if all of the following
3 requirements are satisfied:

4 (A) The minor is accompanied by the minor's parent or legal
5 guardian when the loan is made, or the minor has the written
6 consent of the minor's parent or legal guardian, which is presented
7 at the time of the loan, or earlier.

8 (B) The minor is being loaned the firearm for the purpose of
9 engaging in a lawful, recreational sport, including, but not limited
10 to, competitive shooting, or agricultural, ranching, or hunting
11 activity, or a motion picture, television, or video production, or
12 entertainment or theatrical event, the nature of which involves the
13 use of a firearm.

14 (C) The duration of the loan does not exceed the amount of time
15 that is reasonably necessary to engage in the lawful, recreational
16 sport, including, but not limited to, competitive shooting, or
17 agricultural, ranching, or hunting activity, or a motion picture,
18 television, or video production, or entertainment or theatrical event,
19 the nature of which involves the use of a firearm.

20 (D) The duration of the loan does not, in any event, exceed 10
21 days.

22 27510. No person licensed under Sections 26700 to 26915,
23 inclusive, shall sell, supply, deliver, or give possession or control
24 of a handgun to any person under the age of 21 years, or any other
25 firearm to a person under the age of 18 years.

26 27515. No person, corporation, or dealer shall sell, loan, or
27 transfer a firearm to anyone whom the person, corporation, or
28 dealer knows or has cause to believe is not the actual purchaser or
29 transferee of the firearm, or to anyone who is not the one actually
30 being loaned the firearm, if the person, corporation, or dealer has
31 either of the following:

32 (a) Knowledge that the firearm is to be subsequently sold,
33 loaned, or transferred to avoid the provisions of Section 27540 or
34 27545.

35 (b) Knowledge that the firearm is to be subsequently sold,
36 loaned, or transferred to avoid the requirements of any exemption
37 to the provisions of Section 27540 or 27545.

38 27520. No person, corporation, or dealer shall acquire a firearm
39 for the purpose of selling, loaning, or transferring the firearm, if
40 the person, corporation, or dealer has either of the following:

1 (a) In the case of a dealer, intent to violate Section 27510 or
2 27540.

3 (b) In any other case, intent to avoid either of the following:

4 (1) The provisions of Section 27545.

5 (2) The requirements of any exemption to the provisions of
6 Section 27545.

7 27525. (a) A dealer shall comply with Section 26905.

8 (b) A dealer shall comply with Section 26910.

9 27530. No person shall sell or otherwise transfer ownership in
10 a handgun unless the firearm bears either:

11 (a) The name of the manufacturer, the manufacturer's make or
12 model, and a manufacturer's serial number assigned to that firearm.

13 (b) The identification number or mark assigned to the firearm
14 by the Department of Justice pursuant to Section 23910.

15 27535. (a) No person shall make an application to purchase
16 more than one handgun within any 30-day period.

17 (b) Subdivision (a) shall not apply to any of the following:

18 (1) Any law enforcement agency.

19 (2) Any agency duly authorized to perform law enforcement
20 duties.

21 (3) Any state or local correctional facility.

22 (4) Any private security company licensed to do business in
23 California.

24 (5) Any person who is properly identified as a full-time paid
25 peace officer, as defined in Chapter 4.5 (commencing with Section
26 830) of Title 3 of Part 2, and who is authorized to, and does carry
27 a firearm during the course and scope of employment as a peace
28 officer.

29 (6) Any motion picture, television, or video production company
30 or entertainment or theatrical company whose production by its
31 nature involves the use of a firearm.

32 (7) Any person who may, pursuant to Article 2 (commencing
33 with Section 27600), Article 3 (commencing with Section 27650),
34 or Article 4 (commencing with Section 27700), claim an exemption
35 from the waiting period set forth in Section 27540.

36 (8) Any transaction conducted through a licensed firearms dealer
37 pursuant to Chapter 5 (commencing with Section 28050).

38 (9) Any person who is licensed as a collector pursuant to Chapter
39 44 (commencing with Section 921) of Title 18 of the United States
40 Code and the regulations issued pursuant thereto, and has a current

1 certificate of eligibility issued by the Department of Justice
2 pursuant to Article 1 (commencing with Section 26700) of Chapter
3 2.

4 (10) The exchange of a handgun where the dealer purchased
5 that firearm from the person seeking the exchange within the
6 30-day period immediately preceding the date of exchange or
7 replacement.

8 (11) The replacement of a handgun when the person's handgun
9 was lost or stolen, and the person reported that firearm lost or
10 stolen prior to the completion of the application to purchase to any
11 local law enforcement agency of the city, county, or city and county
12 in which the person resides.

13 (12) The return of any handgun to its owner.

14 (13) A community college that is certified by the Commission
15 on Peace Officer Standards and Training to present the law
16 enforcement academy basic course or other commission-certified
17 law enforcement training.

18 27540. No dealer, whether or not acting pursuant to Chapter
19 5 (commencing with Section 28050), shall deliver a firearm to a
20 person, as follows:

21 (a) Within 10 days of the application to purchase, or, after notice
22 by the department pursuant to Section 28220, within 10 days of
23 the submission to the department of any correction to the
24 application, or within 10 days of the submission to the department
25 of any fee required pursuant to Section 28225, whichever is later.

26 (b) Unless unloaded and securely wrapped or unloaded and in
27 a locked container.

28 (c) Unless the purchaser, transferee, or person being loaned the
29 firearm presents clear evidence of the person's identity and age to
30 the dealer.

31 (d) Whenever the dealer is notified by the Department of Justice
32 that the person is prohibited by state or federal law from possessing,
33 receiving, owning, or purchasing a firearm.

34 (e) (1) Commencing April 1, 1994, and until January 1, 2003,
35 no handgun shall be delivered unless the purchaser, transferee, or
36 person being loaned the firearm presents to the dealer a basic
37 firearms safety certificate.

38 (2) Commencing January 1, 2003, no handgun shall be delivered
39 unless the purchaser, transferee, or person being loaned the
40 handgun presents a handgun safety certificate to the dealer.

1 (f) No handgun shall be delivered whenever the dealer is notified
2 by the Department of Justice that within the preceding 30-day
3 period the purchaser has made another application to purchase a
4 handgun and that the previous application to purchase involved
5 none of the entities specified in subdivision (b) of Section 27535.

6 27545. Where neither party to the transaction holds a dealer's
7 license issued pursuant to Sections 26700 to 26915, inclusive, the
8 parties to the transaction shall complete the sale, loan, or transfer
9 of that firearm through a licensed firearms dealer pursuant to
10 Chapter 5 (commencing with Section 28050).

11 27550. (a) No person may commit an act of collusion relating
12 to Sections 31610 to 31700, inclusive.

13 (b) For purposes of this section and Section 26870, collusion
14 may be proven by any one of the following factors:

15 (1) Answering a test applicant's questions during an objective
16 test relating to firearms safety.

17 (2) Knowingly grading the examination falsely.

18 (3) Providing an advance copy of the test to an applicant.

19 (4) Taking or allowing another person to take the basic firearms
20 safety course for one who is the applicant for a basic firearms
21 safety certificate or a handgun safety certificate.

22 (5) Allowing another to take the objective test for the applicant,
23 purchaser, or transferee.

24 (6) Using or allowing another to use one's identification, proof
25 of residency, or thumbprint.

26 (7) Allowing others to give unauthorized assistance during the
27 examination.

28 (8) Reference to unauthorized materials during the examination
29 and cheating by the applicant.

30 (9) Providing originals or photocopies of the objective test, or
31 any version thereof, to any person other than as authorized by the
32 department.

33 27555. (a) (1) Commencing July 1, 2008, a person who is
34 licensed pursuant to Chapter 44 (commencing with Section 921)
35 of Title 18 of the United States Code may not sell, deliver, or
36 transfer a firearm to a person in California who is licensed pursuant
37 to Chapter 44 (commencing with Section 921) of Title 18 of the
38 United States Code unless, prior to delivery, the person intending
39 to sell, deliver, or transfer the firearm obtains a verification number

1 via the Internet for the intended sale, delivery, or transfer, from
2 the Department of Justice.

3 (2) If Internet service is unavailable to either the department or
4 the licensee due to a technical or other malfunction, or a federal
5 firearms licensee who is located outside of California does not
6 possess a computer or have Internet access, alternate means of
7 communication, including facsimile or telephone, shall be made
8 available for a licensee to obtain a verification number in order to
9 comply with this section.

10 (b) For every verification number request received pursuant to
11 this section, the department shall determine whether the intended
12 recipient is on the centralized list of firearms dealers pursuant to
13 Section 26715, or the centralized list of exempted federal firearms
14 licensees pursuant to Section 28450, or the centralized list of
15 firearms manufacturers pursuant to Section 29060.

16 (c) (1) If the department finds after the reviews specified in
17 subdivision (b) that the intended recipient is authorized to receive
18 the firearm shipment, the department shall issue to the inquiring
19 party, a unique verification number for the intended sale, delivery,
20 or transfer. One verification number shall be issued for each sale,
21 delivery, or transfer, which may involve multiple firearms.

22 (2) In addition to the unique verification number, the department
23 may provide to the inquiring party information necessary for
24 determining the eligibility of the intended recipient to receive the
25 firearm.

26 (3) The person intending to sell, deliver, or transfer the firearm
27 shall provide the unique verification number to the recipient along
28 with the firearm upon delivery, in a manner to be determined by
29 the department.

30 (d) If the department finds after the reviews specified in
31 subdivision (b) that the intended recipient is not authorized to
32 receive the firearm shipment, the department shall notify the
33 inquiring party that the intended recipient is ineligible to receive
34 the shipment.

35 (e) The department shall prescribe the manner in which the
36 verification numbers may be requested via the Internet, or by
37 alternate means of communication, such as by facsimile or
38 telephone, including all required enrollment information and
39 procedures.

1 27560. (a) On or after January 1, 1998, within 60 days of
2 bringing a handgun into this state, a personal handgun importer
3 shall do one of the following:

4 (1) Forward by prepaid mail or deliver in person to the
5 Department of Justice, a report prescribed by the department
6 including information concerning that individual and a description
7 of the firearm in question.

8 (2) Sell or transfer the firearm in accordance with the provisions
9 of Section 27545 or in accordance with the provisions of an
10 exemption from Section 27545.

11 (3) Sell or transfer the firearm to a dealer licensed pursuant to
12 Sections 26700 to 26915, inclusive.

13 (4) Sell or transfer the firearm to a sheriff or police department.

14 (b) If all of the following requirements are satisfied, the personal
15 handgun importer shall have complied with the provisions of this
16 section:

17 (1) The personal handgun importer sells or transfers the handgun
18 pursuant to Section 27545.

19 (2) The sale or transfer cannot be completed by the dealer to
20 the purchaser or transferee.

21 (3) The firearm can be returned to the personal handgun
22 importer.

23 (c) (1) The provisions of this section are cumulative and shall
24 not be construed as restricting the application of any other law.

25 (2) However, an act or omission punishable in different ways
26 by this article and different provisions of the Penal Code shall not
27 be punished under more than one provision.

28 (d) On and after January 1, 1998, the department shall conduct
29 a public education and notification program regarding this section
30 to ensure a high degree of publicity of the provisions of this section.

31 (e) As part of the public education and notification program
32 described in this section, the department shall do all of the
33 following:

34 (1) Work in conjunction with the Department of Motor Vehicles
35 to ensure that any person who is subject to this section is advised
36 of the provisions of this section, and provided with blank copies
37 of the report described in paragraph (1) of subdivision (a), at the
38 time when that person applies for a California driver's license or
39 registers a motor vehicle in accordance with the Vehicle Code.

1 (2) Make the reports referred to in paragraph (1) of subdivision
2 (a) available to dealers licensed pursuant to Sections 26700 to
3 26915, inclusive.

4 (3) Make the reports referred to in paragraph (1) of subdivision
5 (a) available to law enforcement agencies.

6 (4) Make persons subject to the provisions of this section aware
7 of all of the following:

8 (A) The report referred to in paragraph (1) of subdivision (a)
9 may be completed at either a law enforcement agency or the
10 licensed premises of a dealer licensed pursuant to Sections 26700
11 to 26915, inclusive.

12 (B) It is advisable to do so for the sake of accuracy and
13 completeness of the report.

14 (C) Before transporting a handgun to a law enforcement agency
15 to comply with subdivision (a), the person should give notice to
16 the law enforcement agency that the person is doing so.

17 (D) In any event, the handgun should be transported unloaded
18 and in a locked container.

19 (f) Any costs incurred by the department to implement this
20 section shall be absorbed by the department within its existing
21 budget and the fees in the Dealers' Record of Sale Special Account
22 allocated for implementation of subdivisions (d) and (e) of this
23 section pursuant to Section 28235.

24 27565. (a) This section applies in the following circumstances:

25 (1) A person is licensed as a collector pursuant to Chapter 44
26 (commencing with Section 921) of Title 18 of the United States
27 Code and the regulations issued pursuant thereto.

28 (2) The licensed premises of that person are within this state.

29 (3) The licensed collector acquires, outside of this state, a
30 handgun.

31 (4) The licensed collector takes actual possession of that firearm
32 outside of this state pursuant to the provisions of subsection (j) of
33 Section 923 of Title 18 of the United States Code, as amended by
34 Public Law 104-208, and transports the firearm into this state.

35 (5) The firearm is a curio or relic, as defined in Section 478.11
36 of Title 27 of the Code of Federal Regulations.

37 (b) Within five days of transporting a firearm into this state
38 under the circumstances described in subdivision (a), the licensed
39 collector shall report the acquisition of that firearm to the
40 department in a format prescribed by the department.

1 27570. (a) It is the intent of the Legislature that a violation of
2 Section 27560 or 27565 shall not constitute a “continuing offense”
3 and the statute of limitations for commencing a prosecution for a
4 violation of Section 27560 or 27565 commences on the date that
5 the applicable grace period specified in Section 27560 or 27565
6 expires.

7 (b) Sections 27560 and 27565 shall not apply to a person who
8 reports ownership of a handgun after the applicable grace period
9 specified in Section 27560 or 27565 expires if evidence of that
10 violation arises only as the result of the person submitting the
11 report described in Section 27560 or 27565.

12 27590. (a) Except as provided in subdivision (b), (c), or (e),
13 a violation of this article is a misdemeanor.

14 (b) If any of the following circumstances apply, a violation of
15 this article is punishable by imprisonment in the state prison for
16 two, three, or four years.

17 (1) If the violation is of subdivision (a) of Section 27500.

18 (2) If the defendant has a prior conviction of violating the
19 provisions, other than Section 27535, of this article or former
20 Section 12100 of this code, as that section read at any time from
21 when it was enacted by Section 3 of Chapter 1386 of the Statutes
22 of 1988 to when it was repealed by Section 18 of Chapter 23 of
23 the Statutes of 1994, or Section 8101 of the Welfare and Institutions
24 Code.

25 (3) If the defendant has a prior conviction of violating any
26 offense specified in Section 29905 or of a violation of Section
27 32625 or 33410, or of former Section 12560, as that section read
28 at any time from when it was enacted by Section 4 of Chapter 931
29 of the Statutes of 1965 to when it was repealed by Section 14 of
30 Chapter 9 of the Statutes of 1990, or of any provision listed in
31 Section 16590.

32 (4) If the defendant is in a prohibited class described in Chapter
33 2 (commencing with Section 29800) or Chapter 3 (commencing
34 with Section 29900) of Division 9 of this title, or Section 8100 or
35 8103 of the Welfare and Institutions Code.

36 (5) A violation of this article by a person who actively
37 participates in a “criminal street gang” as defined in Section 186.22.

38 (6) A violation of Section 27510 involving the delivery of any
39 firearm to a person who the dealer knows, or should know, is a
40 minor.

1 (c) If any of the following circumstances apply, a violation of
2 this article shall be punished by imprisonment in a county jail not
3 exceeding one year or in the state prison, or by a fine not to exceed
4 one thousand dollars (\$1,000), or by both that fine and
5 imprisonment.

6 (1) A violation of Section 27515, 27520, or subdivision (b) of
7 Section 27500.

8 (2) A violation of Section 27505 involving the sale, loan, or
9 transfer of a handgun to a minor.

10 (3) A violation of Section 27510 involving the delivery of a
11 handgun.

12 (4) A violation of subdivision (a), (c), (d), (e), or (f) of Section
13 27540 involving a pistol, revolver, or other firearm capable of
14 being concealed upon the person.

15 (5) A violation of Section 27545 involving a handgun.

16 (6) A violation of Section 27550.

17 (d) If both of the following circumstances apply, an additional
18 term of imprisonment in the state prison for one, two, or three
19 years shall be imposed in addition and consecutive to the sentence
20 prescribed.

21 (1) A violation of Section 27510 or subdivision (b) of Section
22 27500.

23 (2) The firearm transferred in violation of Section 27510 or
24 subdivision (b) of Section 27500 is used in the subsequent
25 commission of a felony for which a conviction is obtained and the
26 prescribed sentence is imposed.

27 (e) (1) A first violation of Section 27535 is an infraction
28 punishable by a fine of fifty dollars (\$50).

29 (2) A second violation of Section 27535 is an infraction
30 punishable by a fine of one hundred dollars (\$100).

31 (3) A third or subsequent violation of Section 27535 is a
32 misdemeanor.

33 (4) For purposes of this subdivision each application to purchase
34 a handgun in violation of Section 27535 shall be deemed a separate
35 offense.

36
37 Article 2. Exceptions Relating to Law Enforcement
38

39 27600. (a) Article 1 (commencing with Section 27500) does
40 not apply to any sale, delivery, or transfer of firearms made to an

1 authorized law enforcement representative of any city, county,
2 city and county, or state, or of the federal government, for exclusive
3 use by that governmental agency if, prior to the sale, delivery, or
4 transfer of these firearms, written authorization from the head of
5 the agency authorizing the transaction is presented to the person
6 from whom the purchase, delivery, or transfer is being made.

7 (b) Proper written authorization is defined as verifiable written
8 certification from the head of the agency by which the purchaser
9 or transferee is employed, identifying the employee as an individual
10 authorized to conduct the transaction, and authorizing the
11 transaction for the exclusive use of the agency by which that person
12 is employed.

13 (c) Within 10 days of the date a handgun is acquired by the
14 agency, a record of the same shall be entered as an institutional
15 weapon into the Automated Firearms System (AFS) via the
16 California Law Enforcement Telecommunications System
17 (CLETS) by the law enforcement or state agency. Any agency
18 without access to AFS shall arrange with the sheriff of the county
19 in which the agency is located to input this information via this
20 system.

21 27605. Article 1 (commencing with Section 27500) does not
22 apply to the loan of a firearm if all of the following conditions are
23 satisfied:

24 (a) The loan is made by an authorized law enforcement
25 representative of a city, county, or city and county, or of the state
26 or federal government.

27 (b) The loan is made to a peace officer employed by that agency
28 and authorized to carry a firearm.

29 (c) The loan is made for the carrying and use of that firearm by
30 that peace officer in the course and scope of the officer's duties.

31 27610. (a) Article 1 (commencing with Section 27500) does
32 not apply to the sale, delivery, or transfer of a firearm by a law
33 enforcement agency to a peace officer pursuant to Section 10334
34 of the Public Contract Code.

35 (b) Within 10 days of the date that a handgun is sold, delivered,
36 or transferred pursuant to Section 10334 of the Public Contract
37 Code to that peace officer, the name of the officer and the make,
38 model, serial number, and other identifying characteristics of the
39 firearm being sold, delivered, or transferred shall be entered into
40 the Automated Firearms System (AFS) via the California Law

1 Enforcement Telecommunications System (CLETS) by the law
2 enforcement or state agency that sold, delivered, or transferred the
3 firearm. Any agency without access to AFS shall arrange with the
4 sheriff of the county in which the agency is located to input this
5 information via this system.

6 27615. (a) Article 1 (commencing with Section 27500) does
7 not apply to the sale, delivery, or transfer of a firearm by a law
8 enforcement agency to a retiring peace officer who is authorized
9 to carry a firearm pursuant to Chapter 5 (commencing with Section
10 26300) of Division 5.

11 (b) Within 10 days of the date that a handgun is sold, delivered,
12 or transferred to that retiring peace officer, the name of the officer
13 and the make, model, serial number, and other identifying
14 characteristics of the firearm being sold, delivered, or transferred
15 shall be entered into the Automated Firearms System (AFS) via
16 the California Law Enforcement Telecommunications System
17 (CLETS) by the law enforcement or state agency that sold,
18 delivered, or transferred the firearm. Any agency without access
19 to AFS shall arrange with the sheriff of the county in which the
20 agency is located to input this information via this system.

21
22 Article 3. Exceptions Extending Only to Waiting Period
23

24 27650. (a) The waiting period described in Section 27540 does
25 not apply to the sale, delivery, or transfer of firearms made to any
26 person who satisfies both of the following requirements:

27 (1) The person is properly identified as a full-time paid peace
28 officer, as defined in Chapter 4.5 (commencing with Section 830)
29 of Title 3 of Part 2.

30 (2) The officer's employer has authorized the officer to carry
31 firearms while in the performance of duties.

32 (b) (1) Proper identification is defined as verifiable written
33 certification from the head of the agency by which the purchaser
34 or transferee is employed, identifying the purchaser or transferee
35 as a peace officer who is authorized to carry firearms while in the
36 performance of duties, and authorizing the purchase or transfer.

37 (2) The certification shall be delivered to the dealer at the time
38 of purchase or transfer and the purchaser or transferee shall identify
39 himself or herself as the person authorized in the certification.

1 (3) The dealer shall keep the certification with the record of
2 sale.

3 (4) On the date that the sale, delivery, or transfer is made, the
4 dealer delivering the firearm shall transmit to the Department of
5 Justice an electronic or telephonic report of the transaction as is
6 indicated in Section 28160 or 28165.

7 27655. (a) The waiting period described in Section 27540 does
8 not apply to a dealer who delivers a firearm, other than a handgun,
9 at an auction or similar event described in Section 27900, as
10 authorized by subdivision (c) of Section 26805.

11 (b) Within two business days of completion of the application
12 to purchase, the dealer shall forward by prepaid mail to the
13 Department of Justice a report of the application as is indicated in
14 Section 28165.

15 (c) If the electronic or telephonic transfer of applicant
16 information is used, within two business days of completion of
17 the application to purchase, the dealer delivering the firearm shall
18 transmit to the Department of Justice an electronic or telephonic
19 report of the application as is indicated in Section 28165.

20 27660. (a) The waiting period described in Section 27540 does
21 not apply to the sale, delivery, or transfer of a handgun by a dealer
22 in either of the following situations:

23 (1) The dealer is delivering the firearm to another dealer, the
24 firearm is not intended as merchandise in the receiving dealer's
25 business, and the requirements of subdivisions (b) and (c) are
26 satisfied.

27 (2) The dealer is delivering the firearm to himself or herself,
28 the firearm is not intended as merchandise in the dealer's business,
29 and the requirements of subdivision (c) are satisfied.

30 (b) If the dealer is receiving the firearm from another dealer,
31 the dealer receiving the firearm shall present proof to the dealer
32 delivering the firearm that the receiving dealer is licensed pursuant
33 to Article 1 (commencing with Section 26700) and Article 2
34 (commencing with Section 26800). This shall be done by
35 complying with Section 27555.

36 (c) (1) Regardless of whether the dealer is selling, delivering,
37 or transferring the firearm to another dealer or to himself or herself,
38 on the date that the application to purchase is completed, the dealer
39 delivering the firearm shall forward by prepaid mail to the
40 Department of Justice a report of the application and the type of

1 information concerning the purchaser or transferee as is indicated
2 in Section 28160.

3 (2) Where electronic or telephonic transfer of applicant
4 information is used, on the date that the application to purchase is
5 completed, the dealer delivering the firearm shall transmit an
6 electronic or telephonic report of the application and the type of
7 information concerning the purchaser or transferee as is indicated
8 in Section 28160.

9 27665. (a) The waiting period described in Section 27540 does
10 not apply to the sale, delivery, or transfer of a firearm to the holder
11 of a special weapons permit issued by the Department of Justice
12 pursuant to Section 32650 or 33300, pursuant to Article 3
13 (commencing with Section 18900) of Chapter 1 of Division 5 of
14 Title 2, or pursuant to Article 4 (commencing with Section 32700)
15 of Chapter 6 of Division 10 of this title.

16 (b) On the date that the application to purchase is completed,
17 the dealer delivering the firearm shall transmit to the Department
18 of Justice an electronic or telephonic report of the application as
19 is indicated in Section 28160 or 28165.

20 27670. (a) The waiting period described in Section 27540 does
21 not apply to the sale, delivery, loan, or transfer of a firearm if all
22 of the following conditions are satisfied:

23 (1) The firearm is a curio or relic, as defined in Section 478.11
24 of Title 27 of the Code of Federal Regulations, or its successor.

25 (2) The sale, delivery, loan, or transfer is made by a dealer.

26 (3) The sale, delivery, loan, or transfer is made to a person who
27 is licensed as a collector pursuant to Chapter 44 (commencing with
28 Section 921) of Title 18 of the United States Code and the
29 regulations issued pursuant thereto.

30 (4) The licensed collector has a current certificate of eligibility
31 issued by the Department of Justice pursuant to Section 26710.

32 (b) On the date that the sale, delivery, or transfer is made, the
33 dealer delivering the firearm shall transmit to the Department of
34 Justice an electronic or telephonic report of the transaction as is
35 indicated in Section 28160 or 28165.

36
37 Article 4. Exceptions to Restrictions on Delivery of a Firearm
38

39 27700. Section 27540 does not apply to sales, deliveries, or
40 transfers of firearms between or to importers and manufacturers

1 of firearms licensed to engage in that business pursuant to Chapter
2 44 (commencing with Section 921) of Title 18 of the United States
3 Code and the regulations issued pursuant thereto.

4 27705. Section 27540 does not apply to the delivery of a
5 firearm to a gunsmith for service or repair, or to the return of the
6 firearm to its owner by the gunsmith, or to the delivery of a firearm
7 by a gunsmith to a person licensed pursuant to Chapter 44
8 (commencing with Section 921) of Title 18 of the United States
9 Code for service or repair and the return of the firearm to the
10 gunsmith.

11 27710. Section 27540 does not apply to the sale, delivery, or
12 transfer of firearms if all of the following conditions are satisfied:

13 (a) The firearms are unloaded.

14 (b) The firearms are not handguns.

15 (c) The sale, delivery, or transfer is made by a dealer to another
16 dealer, upon proof of compliance with the requirements of Section
17 27555.

18 27715. Section 27540 does not apply to the sale, delivery, or
19 transfer of unloaded firearms by a dealer to a person who resides
20 outside this state and is licensed pursuant to Chapter 44
21 (commencing with Section 921) of Title 18 of the United States
22 Code and the regulations issued pursuant thereto.

23 27720. Section 27540 does not apply to the sale, delivery, or
24 transfer of unloaded firearms to a wholesaler if the firearms are
25 being returned to the wholesaler and are intended as merchandise
26 in the wholesaler's business.

27 27725. Section 27540 does not apply to the sale, delivery, or
28 transfer of firearms if all of the following conditions are satisfied:

29 (a) The firearms are unloaded.

30 (b) The sale, delivery, or transfer is made by one dealer to
31 another dealer, upon proof of compliance with the requirements
32 of Section 27555.

33 (c) The firearms are intended as merchandise in the receiving
34 dealer's business.

35 27730. Section 27540 does not apply to the sale, delivery, or
36 transfer of an unloaded firearm, other than a handgun, by a dealer
37 to himself or herself.

38 27735. Section 27540 does not apply to the loan of an unloaded
39 firearm by a dealer who also operates a target facility that holds a
40 business or regulatory license on the premises of the building

1 designated in the license or whose building designated in the
2 license is on the premises of any club or organization organized
3 for the purposes of practicing shooting at targets upon established
4 ranges, whether public or private, to a person at that target facility
5 or that club or organization, if the firearm is at all times kept within
6 the premises of the target range or on the premises of the club or
7 organization.

8 27740. Section 27540 does not apply to the sale, delivery, or
9 transfer of a firearm regulated pursuant to any of the following
10 statutes, if the sale, delivery, or transfer of that firearm is conducted
11 in accordance with the applicable provisions of the statute:

12 (a) Chapter 1 (commencing with Section 18710) of Division 5
13 of Title 2, relating to destructive devices and explosives.

14 (b) Section 24410, relating to cane guns, and the exemptions in
15 Chapter 1 (commencing with Section 17700) of Title 2, as they
16 relate to cane guns.

17 (c) Section 24510, relating to firearms that are not immediately
18 recognizable as firearms, and the exemptions in Chapter 1
19 (commencing with Section 17700) of Title 2, as they relate to
20 firearms that are not immediately recognizable as firearms.

21 (d) Sections 24610 and 24680, relating to undetectable firearms,
22 and the exemptions in Chapter 1 (commencing with Section 17700)
23 of Title 2, as they relate to undetectable firearms.

24 (e) Section 24710, relating to wallet guns, and the exemptions
25 in Chapter 1 (commencing with Section 17700) of Title 2, as they
26 relate to wallet guns.

27 (f) Chapter 2 (commencing with Section 30500) of Division
28 10, relating to assault weapons.

29 (g) Section 31500, relating to unconventional pistols, and the
30 exemptions in Chapter 1 (commencing with Section 17700) of
31 Title 2, as they relate to unconventional pistols.

32 (h) Sections 33215 to 33225, inclusive, relating to short-barreled
33 rifles and short-barreled shotguns, and the exemptions in Chapter
34 1 (commencing with Section 17700) of Title 2, as they relate to
35 short-barreled rifles and short-barreled shotguns.

36 (i) Chapter 6 (commencing with Section 32610) of Division 10,
37 relating to machineguns.

38 (j) Section 33600, relating to zip guns, and the exemptions in
39 Chapter 1 (commencing with Section 17700) of Title 2, as they
40 relate to zip guns.

1 27745. (a) Section 27540 does not apply to the loan of a
2 firearm if all of the following conditions are satisfied:

3 (1) The firearm is unloaded.

4 (2) The loan is made by a dealer.

5 (3) The loan is made to a person who possesses a valid
6 entertainment firearms permit issued pursuant to Chapter 2
7 (commencing with Section 29500) of Division 8.

8 (4) The firearm is loaned solely for use as a prop in a motion
9 picture, television, video, theatrical, or other entertainment
10 production or event.

11 (b) The dealer shall retain a photocopy of the entertainment
12 firearms permit as proof of compliance with this requirement.

13 27750. (a) Section 27540 does not apply to the loan of an
14 unloaded firearm to a consultant-evaluator by a person licensed
15 pursuant to Sections 26700 to 26915, inclusive, if the loan does
16 not exceed 45 days from the date of delivery.

17 (b) At the time of the loan, the consultant-evaluator shall provide
18 the following information, which the dealer shall retain for two
19 years:

20 (1) A photocopy of a valid, current, government-issued
21 identification to determine the consultant-evaluator's identity,
22 including, but not limited to, a California driver's license,
23 identification card, or passport.

24 (2) A photocopy of the consultant-evaluator's valid, current
25 certificate of eligibility.

26 (3) A letter from the person licensed as an importer,
27 manufacturer, or dealer pursuant to Chapter 44 (commencing with
28 Section 921) of Title 18 of the United States Code, with whom the
29 consultant-evaluator has a bona fide business relationship. The
30 letter shall detail the bona fide business purposes for which the
31 firearm is being loaned and confirm that the consultant-evaluator
32 is being loaned the firearm as part of a bona fide business
33 relationship.

34 (4) The signature of the consultant-evaluator on a form
35 indicating the date the firearm is loaned and the last day the firearm
36 may be returned.

Article 5. Exceptions to the Requirement of Obtaining a
Verification Number

27805. (a) Section 27555 does not apply to the loan of a
firearm if all of the following conditions are satisfied:

- (1) The firearm is unloaded.
- (2) The loan is made by a dealer.
- (3) The loan is made to a person who possesses a valid
entertainment firearms permit issued pursuant to Chapter 2
(commencing with Section 29500) of Division 8.
- (4) The firearm is loaned solely for use as a prop in a motion
picture, television, video, theatrical, or other entertainment
production or event.

(b) The dealer shall retain a photocopy of the entertainment
firearms permit as proof of compliance with this requirement.

27810. (a) Section 27555 does not apply to the loan of a
firearm if all of the following requirements are satisfied:

- (1) The firearm is unloaded.
- (2) The loan is made by a person who is not a dealer but is a
federal firearms licensee pursuant to Chapter 44 of Title 18
(commencing with Section 921) of the United States Code.
- (3) The loan is made to a person who possesses a valid
entertainment firearms permit issued pursuant to Chapter 2
(commencing with Section 29500) of Division 8.
- (4) The firearm is loaned for use solely as a prop in a motion
picture, television, video, theatrical, or other entertainment
production or event.

(b) The person loaning the firearm pursuant to this section shall
retain a photocopy of the entertainment firearms permit as proof
of compliance with this requirement.

27815. (a) Section 27555 does not apply to the loan of an
unloaded firearm to a consultant-evaluator by a person licensed
pursuant to Sections 26700 to 26915, inclusive, if the loan does
not exceed 45 days from the date of delivery.

(b) At the time of the loan, the consultant-evaluator shall provide
the following information, which the dealer shall retain for two
years:

- (1) A photocopy of a valid, current, government-issued
identification to determine the consultant-evaluator's identity,

1 including, but not limited to, a California driver's license,
2 identification card, or passport.

3 (2) A photocopy of the consultant-evaluator's valid, current
4 certificate of eligibility.

5 (3) A letter from the person licensed as an importer,
6 manufacturer, or dealer pursuant to Chapter 44 (commencing with
7 Section 921) of Title 18 of the United States Code, with whom the
8 consultant-evaluator has a bona fide business relationship. The
9 letter shall detail the bona fide business purposes for which the
10 firearm is being loaned and confirm that the consultant-evaluator
11 is being loaned the firearm as part of a bona fide business
12 relationship.

13 (4) The signature of the consultant-evaluator on a form
14 indicating the date the firearm is loaned and the last day the firearm
15 may be returned.

16 27820. If all of the following requirements are satisfied, Section
17 27555 does not apply to the sale, loan, or transfer of a firearm:

18 (a) The sale, loan, or transfer is infrequent, as defined in Section
19 16730.

20 (b) The firearm is not a handgun.

21 (c) The firearm is a curio or relic manufactured at least 50 years
22 prior to the current date but is not a replica, as defined in Section
23 478.11 of Title 27 of the Code of Federal Regulations, or its
24 successor.

25 27825. Section 27555 does not apply to the delivery of a
26 firearm to a gunsmith for service or repair, or to the return of the
27 firearm to its owner by the gunsmith, or to the delivery of a firearm
28 by a gunsmith to a person licensed pursuant to Chapter 44
29 (commencing with Section 921) of Title 18 of the United States
30 Code for service or repair and the return of the firearm to the
31 gunsmith.

32 27830. Section 27555 does not apply where the transferor and
33 the transferee are the same person or corporation.

34 27835. Section 27555 does not apply where the transfer is to
35 or from a person who has a valid entertainment firearms permit
36 and the transfer involves the loan or return of a firearm used solely
37 as a prop in a television, film, or theatrical production.

Article 6. Exceptions to the Requirement of Using a Dealer for
a Private Party Firearms Transaction

27850. (a) Section 27545 does not apply to a sale, delivery, or transfer of firearms if both of the following requirements are satisfied:

(1) The sale, delivery, or transfer is to an authorized representative of a city, city and county, county, or state government, or of the federal government, and is for the governmental entity.

(2) The entity is acquiring the weapon as part of an authorized, voluntary program in which the entity is buying or receiving weapons from private individuals.

(b) Any weapons acquired pursuant to this section shall be disposed of pursuant to the applicable provisions of Section 34000 or Sections 18000 and 18005.

27855. Section 27545 does not apply to the sale, delivery, loan, or transfer of a firearm made by an authorized law enforcement representative of a city, county, city and county, or state, or of the federal government, to any public or private nonprofit historical society, museum, or institutional collection, or the purchase or receipt of that firearm by that public or private nonprofit historical society, museum, or institutional collection, if all of the following conditions are met:

(a) The entity receiving the firearm is open to the public.

(b) The firearm prior to delivery is deactivated or rendered inoperable.

(c) The firearm is not subject to any of the following:

(1) Sections 18000 and 18005.

(2) Division 4 (commencing with Section 18250) of Title 2.

(3) Section 34000.

(4) Sections 34005 and 34010.

(d) The firearm is not prohibited by other provisions of law from being sold, delivered, or transferred to the public at large.

(e) Prior to delivery, the entity receiving the firearm submits a written statement to the law enforcement representative stating that the firearm will not be restored to operating condition, and will either remain with that entity, or if subsequently disposed of, will be transferred in accordance with the applicable provisions listed in Section 16575 and, if applicable, with Section 31615.

(f) Within 10 days of the date that the firearm is sold, loaned, delivered, or transferred to that entity, all of the following information shall be reported to the department in a manner prescribed by the department:

(1) The name of the government entity delivering the firearm.

(2) The make, model, serial number, and other identifying characteristics of the firearm.

(3) The name of the person authorized by the entity to take possession of the firearm.

(g) In the event of a change in the status of the designated representative, the entity shall notify the department of a new representative within 30 days.

27860. Section 27545 does not apply to the sale, delivery, loan, or transfer of a firearm made by any person other than a representative of an authorized law enforcement agency to any public or private nonprofit historical society, museum, or institutional collection, if all of the following conditions are met:

(a) The entity receiving the firearm is open to the public.

(b) The firearm is deactivated or rendered inoperable prior to delivery.

(c) The firearm is not of a type prohibited from being sold, delivered, or transferred to the public.

(d) Prior to delivery, the entity receiving the firearm submits a written statement to the person selling, loaning, or transferring the firearm stating that the firearm will not be restored to operating condition, and will either remain with that entity, or if subsequently disposed of, will be transferred in accordance with the applicable provisions listed in Section 16575 and, if applicable, with Section 31615.

(e) If title to a handgun is being transferred to the public or private nonprofit historical society, museum, or institutional collection, then the designated representative of that entity shall, within 30 days of taking possession of that handgun, forward by prepaid mail or deliver in person to the Department of Justice, a single report signed by both parties to the transaction, which includes all of the following information:

(1) Information identifying the person representing the public or private historical society, museum, or institutional collection.

(2) Information on how title was obtained and from whom.

(3) A description of the firearm in question.

1 (4) A copy of the written statement referred to in subdivision
2 (d).

3 (f) The report forms that are to be completed pursuant to this
4 section shall be provided by the Department of Justice.

5 (g) In the event of a change in the status of the designated
6 representative, the entity shall notify the department of a new
7 representative within 30 days.

8 27865. Section 27545 does not apply to sales, deliveries, or
9 transfers of firearms between or to importers and manufacturers
10 of firearms licensed to engage in that business pursuant to Chapter
11 44 (commencing with Section 921) of Title 18 of the United States
12 Code and the regulations issued pursuant thereto.

13 27870. Section 27545 does not apply to the transfer of a
14 firearm, other than a handgun, by gift, bequest, intestate succession,
15 or other means from one individual to another, if both of the
16 following requirements are satisfied:

17 (a) The transfer is infrequent, as defined in Section 16730.

18 (b) The transfer is between members of the same immediate
19 family.

20 27875. Section 27545 does not apply to the transfer of a
21 handgun by gift, bequest, intestate succession, or other means from
22 one individual to another, if all of the following requirements are
23 met:

24 (a) The transfer is infrequent, as defined in Section 16730.

25 (b) The transfer is between members of the same immediate
26 family.

27 (c) Within 30 days of taking possession of the firearm, the
28 person to whom it is transferred shall forward by prepaid mail, or
29 deliver in person to the Department of Justice, a report that includes
30 information concerning the individual taking possession of the
31 firearm, how title was obtained and from whom, and a description
32 of the firearm in question. The report forms that individuals
33 complete pursuant to this section shall be provided to them by the
34 Department of Justice.

35 (d) The person taking title to the firearm shall first obtain a
36 handgun safety certificate.

37 (e) The person receiving the firearm is 18 years of age or older.

38 27880. Section 27545 does not apply to the loan of a firearm
39 between persons who are personally known to each other, if all of
40 the following requirements are satisfied:

1 (a) The loan is infrequent, as defined in Section 16730.

2 (b) The loan is for any lawful purpose.

3 (c) The loan does not exceed 30 days in duration.

4 (d) Commencing January 1, 2003, if the firearm is a handgun,
5 the individual being loaned the handgun shall have a valid handgun
6 safety certificate.

7 27885. Section 27545 does not apply to the loan of a firearm
8 if all of the following conditions exist:

9 (a) The person loaning the firearm is at all times within the
10 presence of the person being loaned the firearm.

11 (b) The loan is for a lawful purpose.

12 (c) The loan does not exceed three days in duration.

13 (d) The individual receiving the firearm is not prohibited by
14 state or federal law from possessing, receiving, owning, or
15 purchasing a firearm.

16 (e) The person loaning the firearm is 18 years of age or older.

17 (f) The person being loaned the firearm is 18 years of age or
18 older.

19 27890. Section 27545 does not apply to the delivery of a
20 firearm to a gunsmith for service or repair, or to the return of the
21 firearm to its owner by the gunsmith, or to the delivery of a firearm
22 by a gunsmith to a person licensed pursuant to Chapter 44
23 (commencing with Section 921) of Title 18 of the United States
24 Code for service or repair and the return of the firearm to the
25 gunsmith.

26 27895. Section 27545 does not apply to the sale, delivery, or
27 transfer of firearms if all of the following requirements are
28 satisfied:

29 (a) The sale, delivery, or transfer is made by a person who
30 resides in this state.

31 (b) The sale, delivery, or transfer is made to a person who resides
32 outside this state and is licensed pursuant to Chapter 44
33 (commencing with Section 921) of Title 18 of the United States
34 Code and the regulations issued pursuant thereto.

35 (c) The sale, delivery, or transfer is in accordance with Chapter
36 44 (commencing with Section 921) of Title 18 of the United States
37 Code and the regulations issued pursuant thereto.

38 27900. (a) Section 27545 does not apply to the infrequent sale
39 or transfer of a firearm other than a handgun at an auction or similar

1 event conducted by a nonprofit mutual or public benefit corporation
2 organized pursuant to the Corporations Code.

3 (b) As used in this section, “infrequent” has the meaning
4 provided in Section 16730.

5 27905. Section 27545 does not apply to the transfer of a firearm
6 if all of the following requirements are satisfied:

7 (a) The firearm is not a handgun.

8 (b) The firearm is donated for an auction or similar event
9 described in Section 27900.

10 (c) The firearm is delivered to the nonprofit corporation
11 immediately preceding, or contemporaneous with, the auction or
12 similar event.

13 27910. Section 27545 does not apply to the loan of a firearm
14 to a person 18 years of age or older for the purposes of shooting
15 at targets if the loan occurs on the premises of a target facility that
16 holds a business or regulatory license or on the premises of any
17 club or organization organized for the purposes of practicing
18 shooting at targets upon established ranges, whether public or
19 private, if the firearm is at all times kept within the premises of
20 the target range or on the premises of the club or organization.

21 27915. Section 27545 does not apply to a person who takes
22 title or possession of a firearm by operation of law if both of the
23 following requirements are satisfied:

24 (a) The firearm is not a handgun.

25 (b) The person is not prohibited by state or federal law from
26 possessing, receiving, owning, or purchasing a firearm.

27 27920. Section 27545 does not apply to a person who takes
28 title or possession of a handgun by operation of law if the person
29 is not prohibited by state or federal law from possessing, receiving,
30 owning, or purchasing a firearm and all of the following conditions
31 are met:

32 (a) If the person taking title or possession is neither a levying
33 officer as defined in Section 481.140, 511.060, or 680.260 of the
34 Code of Civil Procedure, nor a person who is receiving that firearm
35 pursuant to subdivision (g), (i), or (j) of Section 16990, the person
36 shall, within 30 days of taking possession, forward by prepaid mail
37 or deliver in person to the Department of Justice, a report of
38 information concerning the individual taking possession of the
39 firearm, how title or possession was obtained and from whom, and
40 a description of the firearm in question.

1 (b) If the person taking title or possession is receiving the
2 firearm pursuant to subdivision (g) of Section 16990, the person
3 shall do both of the following:

4 (1) Within 30 days of taking possession, forward by prepaid
5 mail or deliver in person to the department, a report of information
6 concerning the individual taking possession of the firearm, how
7 title or possession was obtained and from whom, and a description
8 of the firearm in question.

9 (2) Prior to taking title or possession of the firearm, the person
10 shall obtain a handgun safety certificate.

11 (c) Where the person receiving title or possession of the handgun
12 is a person described in subdivision (i) of Section 16990, on the
13 date that the person is delivered the firearm, the name and other
14 information concerning the person taking possession of the firearm,
15 how title or possession of the firearm was obtained and from whom,
16 and a description of the firearm by make, model, serial number,
17 and other identifying characteristics shall be entered into the
18 Automated Firearms System (AFS) via the California Law
19 Enforcement Telecommunications System (CLETS) by the law
20 enforcement or state agency that transferred or delivered the
21 firearm. An agency without access to AFS shall arrange with the
22 sheriff of the county in which the agency is located to input this
23 information via this system.

24 (d) Where the person receiving title or possession of the handgun
25 is a person described in subdivision (j) of Section 16990, on the
26 date that the person is delivered the firearm, the name and other
27 information concerning the person taking possession of the firearm,
28 how title or possession of the firearm was obtained and from whom,
29 and a description of the firearm by make, model, serial number,
30 and other identifying characteristics shall be entered into the AFS
31 via the CLETS by the law enforcement or state agency that
32 transferred or delivered the firearm. An agency without access to
33 AFS shall arrange with the sheriff of the county in which the
34 agency is located to input this information via this system. In
35 addition, that law enforcement agency shall not deliver that
36 handgun to the person referred to in this subdivision unless, prior
37 to the delivery of the handgun, the person presents proof to the
38 agency that the person is the holder of a handgun safety certificate.

39 (e) The reports that individuals complete pursuant to this section
40 shall be provided to them by the Department of Justice.

1 27925. (a) Section 27545 does not apply to a person who takes
2 possession of a firearm by operation of law in a representative
3 capacity who subsequently transfers ownership of the firearm to
4 himself or herself in an individual capacity.

5 (b) In the case of a handgun, the individual shall obtain a
6 handgun safety certificate prior to transferring ownership to himself
7 or herself, or taking possession of a handgun in an individual
8 capacity.

9 27930. Section 27545 does not apply to deliveries, transfers,
10 or returns of firearms made pursuant to any of the following:

11 (a) Sections 18000 and 18005.

12 (b) Division 4 (commencing with Section 18250) of Title 2.

13 (c) Chapter 2 (commencing with Section 33850) of Division
14 11.

15 (d) Sections 34005 and 34010.

16 27935. Section 27545 does not apply to the sale, delivery, or
17 transfer of unloaded firearms to a wholesaler as merchandise in
18 the wholesaler's business by a manufacturer or importer licensed
19 to engage in that business pursuant to Chapter 44 (commencing
20 with Section 921) of Title 18 of the United States Code and the
21 regulations issued pursuant thereto, or by another wholesaler, if
22 the sale, delivery, or transfer is made in accordance with Chapter
23 44 (commencing with Section 921) of Title 18 of the United States
24 Code.

25 27940. Section 27545 does not apply to the sale, delivery, or
26 transfer of a firearm regulated pursuant to any of the following
27 statutes, if the sale, delivery, or transfer of that firearm is conducted
28 in accordance with the applicable provisions of the statute:

29 (a) Chapter 1 (commencing with Section 18710) of Division 5
30 of Title 2, relating to destructive devices and explosives.

31 (b) Section 24410, relating to cane guns, and the exemptions in
32 Chapter 1 (commencing with Section 17700) of Title 2, as they
33 relate to cane guns.

34 (c) Section 24510, relating to firearms that are not immediately
35 recognizable as firearms, and the exemptions in Chapter 1
36 (commencing with Section 17700) of Title 2, as they relate to
37 firearms that are not immediately recognizable as firearms.

38 (d) Sections 24610 and 24680, relating to undetectable firearms,
39 and the exemptions in Chapter 1 (commencing with Section 17700)
40 of Title 2, as they relate to undetectable firearms.

1 (e) Section 24710, relating to wallet guns, and the exemptions
2 in Chapter 1 (commencing with Section 17700) of Title 2, as they
3 relate to wallet guns.

4 (f) Chapter 2 (commencing with Section 30500) of Division
5 10, relating to assault weapons.

6 (g) Section 31500, relating to unconventional pistols, and the
7 exemptions in Chapter 1 (commencing with Section 17700) of
8 Title 2, as they relate to unconventional pistols.

9 (h) Sections 33215 to 33225, inclusive, relating to short-barreled
10 rifles and short-barreled shotguns, and the exemptions in Chapter
11 1 (commencing with Section 17700) of Title 2, as they relate to
12 short-barreled rifles and short-barreled shotguns.

13 (i) Chapter 6 (commencing with Section 32610) of Division 10,
14 relating to machineguns.

15 (j) Section 33600, relating to zip guns, and the exemptions in
16 Chapter 1 (commencing with Section 17700) of Title 2, as they
17 relate to zip guns.

18 27945. Section 27545 does not apply to or affect the following
19 circumstances:

20 (a) The transfer or loan of a firearm, other than a handgun, to a
21 minor by the minor's parent or legal guardian.

22 (b) The transfer or loan of a firearm, other than a handgun, to
23 a minor by a grandparent who is not the legal guardian of the
24 minor, if the transfer is done with the express permission of the
25 minor's parent or legal guardian.

26 (c) The loan of a firearm, other than a handgun, to a minor, with
27 the express permission of the minor's parent or legal guardian, if
28 the loan does not exceed 30 days in duration and is for a lawful
29 purpose.

30 (d) The loan of a handgun to a minor by the minor's parent or
31 legal guardian, if both of the following requirements are satisfied:

32 (1) The minor is being loaned the firearm for the purposes of
33 engaging in a lawful, recreational sport, including, but not limited
34 to, competitive shooting, or agricultural, ranching, or hunting
35 activity, or a motion picture, television, or video production, or
36 entertainment or theatrical event, the nature of which involves the
37 use of a firearm.

38 (2) The duration of the loan does not exceed the amount of time
39 that is reasonably necessary to engage in the lawful, recreational
40 sport, including, but not limited to, competitive shooting, or

1 agricultural, ranching, or hunting activity, or a motion picture,
2 television, or video production, or entertainment or theatrical event,
3 the nature of which involves the use of a firearm.

4 (e) The loan of a handgun to a minor by a person who is not the
5 minor's parent or legal guardian, if all of the following
6 requirements are satisfied:

7 (1) The minor is accompanied by the minor's parent or legal
8 guardian when the loan is made, or the minor has the written
9 consent of the minor's parent or legal guardian, which is presented
10 at the time of the loan, or earlier.

11 (2) The minor is being loaned the firearm for the purpose of
12 engaging in a lawful, recreational sport, including, but not limited
13 to, competitive shooting, or agricultural, ranching, or hunting
14 activity, or a motion picture, television, or video production, or
15 entertainment or theatrical event, the nature of which involves the
16 use of a firearm.

17 (3) The duration of the loan does not exceed the amount of time
18 that is reasonably necessary to engage in the lawful, recreational
19 sport, including, but not limited to, competitive shooting, or
20 agricultural, ranching, or hunting activity, or a motion picture,
21 television, or video production, or entertainment or theatrical event,
22 the nature of which involves the use of a firearm.

23 (4) The duration of the loan does not, in any event, exceed 10
24 days.

25 27950. Section 27545 does not apply to the loan of a firearm,
26 other than a handgun, to a licensed hunter for use by that hunter
27 for a period of time not to exceed the duration of the hunting season
28 for which the firearm is to be used.

29 27955. Section 27545 does not apply to the loan of a firearm
30 if all of the following requirements are satisfied:

31 (a) The loan is infrequent, as defined in Section 16730.

32 (b) The firearm is unloaded.

33 (c) The loan is made by a person who is neither a dealer nor a
34 federal firearms licensee pursuant to Chapter 44 (commencing
35 with Section 921) of Title 18 of the United States Code.

36 (d) The loan is made to a person 18 years of age or older.

37 (e) The loan is for use solely as a prop in a motion picture,
38 television, video, theatrical, or other entertainment production or
39 event.

1 27960. (a) Section 27545 does not apply to the loan of a
2 firearm if all of the following requirements are satisfied:

3 (1) The firearm is unloaded.

4 (2) The loan is made by a person who is not a dealer but is a
5 federal firearms licensee pursuant to Chapter 44 (commencing
6 with Section 921) of Title 18 of the United States Code.

7 (3) The loan is made to a person who possesses a valid
8 entertainment firearms permit issued pursuant to Chapter 2
9 (commencing with Section 29500) of Division 8.

10 (4) The firearm is loaned for use solely as a prop in a motion
11 picture, television, video, theatrical, or other entertainment
12 production or event.

13 (b) The person loaning the firearm pursuant to this section shall
14 retain a photocopy of the entertainment firearms permit as proof
15 of compliance with this requirement.

16 27965. If all of the following requirements are satisfied, Section
17 27545 does not apply to the sale, loan, or transfer of a firearm:

18 (a) The sale, loan, or transfer is infrequent, as defined in Section
19 16730.

20 (b) The firearm is not a handgun.

21 (c) The firearm is a curio or relic manufactured at least 50 years
22 prior to the current date but is not a replica, as defined in Section
23 478.11 of Title 27 of the Code of Federal Regulations, or its
24 successor.

25 26 Article 7. Report to Department of Justice 27

28 28000. A person who is exempt from Section 27545 or is
29 otherwise not required by law to report acquisition, ownership, or
30 disposal of a handgun or who moves out of this state with the
31 person's handgun may report that to the Department of Justice in
32 a format prescribed by the department.

33 34 CHAPTER 5. PROCEDURE FOR A PRIVATE PARTY FIREARMS 35 TRANSACTION 36

37 28050. (a) A person shall complete any sale, loan, or transfer
38 of a firearm through a person licensed pursuant to Sections 26700
39 to 26915, inclusive, in accordance with this chapter in order to
40 comply with Section 27545.

1 (b) The seller or transferor or the person loaning the firearm
2 shall deliver the firearm to the dealer who shall retain possession
3 of that firearm.

4 (c) The dealer shall then deliver the firearm to the purchaser or
5 transferee or the person being loaned the firearm, if it is not
6 prohibited, in accordance with Section 27540.

7 (d) If the dealer cannot legally deliver the firearm to the
8 purchaser or transferee or the person being loaned the firearm, the
9 dealer shall forthwith, without waiting for the conclusion of the
10 waiting period described in Sections 26815 and 27540, return the
11 firearm to the transferor or seller or the person loaning the firearm.
12 The dealer shall not return the firearm to the seller or transferor
13 or the person loaning the firearm when to do so would constitute
14 a violation of Section 27500, 27505, 27515, 27520, 27525, 27530,
15 or 27535. If the dealer cannot legally return the firearm to the
16 transferor or seller or the person loaning the firearm, then the dealer
17 shall forthwith deliver the firearm to the sheriff of the county or
18 the chief of police or other head of a municipal police department
19 of any city or city and county, who shall then dispose of the firearm
20 in the manner provided by Sections 18000, 18005, and 34000.

21 28055. (a) For a sale, loan, or transfer conducted pursuant to
22 this chapter, the purchaser or transferee or person being loaned
23 the firearm may be required by the dealer to pay a fee not to exceed
24 ten dollars (\$10) per firearm.

25 (b) No other fee may be charged by the dealer for a sale, loan,
26 or transfer of a firearm conducted pursuant to this chapter, except
27 for the applicable fees that may be charged pursuant to Sections
28 23690 and 28300 and Article 3 (commencing with Section 28200)
29 of Chapter 6 and forwarded to the Department of Justice, and the
30 fees set forth in Section 31650.

31 (c) The dealer may not charge any additional fees.

32 (d) Nothing in these provisions shall prevent a dealer from
33 charging a smaller fee.

34 28060. The Attorney General shall adopt regulations under
35 this chapter to do all of the following:

36 (a) Allow the seller or transferor or the person loaning the
37 firearm, and the purchaser or transferee or the person being loaned
38 the firearm, to complete a sale, loan, or transfer through a dealer,
39 and to allow those persons and the dealer to preserve the

1 confidentiality of those records and to comply with the
2 requirements of this chapter and all of the following:

3 (1) Article 1 (commencing with Section 26700) and Article 2
4 (commencing with Section 26800) of Chapter 2.

5 (2) Article 1 (commencing with Section 27500) of Chapter 4.

6 (3) Article 2 (commencing with Section 28150) of Chapter 6.

7 (4) Article 3 (commencing with Section 28200) of Chapter 6.

8 (b) Where a personal handgun importer is selling or transferring
9 a pistol, revolver, or other firearm capable of being concealed upon
10 the person to comply with paragraph (2) of subdivision (a) of
11 Section 27560, to allow a personal handgun importer's ownership
12 of the pistol, revolver, or other firearm capable of being concealed
13 upon the person being sold or transferred to be recorded in a
14 manner that if the firearm is returned to that personal handgun
15 importer because the sale or transfer cannot be completed, the
16 Department of Justice will have sufficient information about that
17 personal handgun importer so that a record of the importer's
18 ownership can be maintained in the registry provided by
19 subdivision (c) of Section 11106.

20 (c) Ensure that the register or record of electronic transfer shall
21 state all of the following:

22 (1) The name and address of the seller or transferor of the
23 firearm or the person loaning the firearm.

24 (2) Whether or not the person is a personal handgun importer.

25 (3) Any other information required by Article 2 (commencing
26 with Section 28150) of Chapter 6.

27 28065. Notwithstanding any other provision of law, a dealer
28 who does not sell, transfer, or keep an inventory of handguns is
29 not required to process private party transfers of handguns.

30 28070. A violation of this chapter by a dealer is a misdemeanor.

31
32 CHAPTER 6. RECORDKEEPING, BACKGROUND CHECKS, AND
33 FEES RELATING TO SALE, LEASE, OR TRANSFER OF FIREARMS
34

35 Article 1. General Provisions Relating to the Register or the
36 Record of Electronic or Telephonic Transfer
37

38 28100. (a) As required by the Department of Justice, every
39 dealer shall keep a register or record of electronic or telephonic

1 transfer in which shall be entered the information prescribed in
2 Article 2 (commencing with Section 28150).

3 (b) This section shall not apply to any of the following
4 transactions:

5 (1) The loan of an unloaded firearm by a dealer to a person who
6 possesses a valid entertainment firearms permit issued pursuant
7 to Chapter 2 (commencing with Section 29500) of Division 8, for
8 use solely as a prop in a motion picture, television, video, theatrical,
9 or other entertainment production or event.

10 (2) The delivery of an unloaded firearm by a dealer to a
11 gunsmith for service or repair.

12 (3) The sale, delivery, or transfer of an unloaded firearm, other
13 than a handgun, by a dealer to another dealer, upon proof of
14 compliance with the requirements of Section 27555.

15 (4) The sale, delivery, or transfer of an unloaded firearm by a
16 dealer who sells, delivers, or transfers the firearm to a person who
17 resides outside this state and is licensed pursuant to Chapter 44
18 (commencing with Section 921) of Title 18 of the United States
19 Code and any regulations issued pursuant thereto.

20 (5) The sale, delivery, or transfer of an unloaded firearm by a
21 dealer to a wholesaler if that firearm is being returned to the
22 wholesaler and is intended as merchandise in the wholesaler's
23 business.

24 (6) The sale, delivery, or transfer of an unloaded firearm by a
25 dealer to another dealer, upon proof of compliance with the
26 requirements of Section 27555, if the firearm is intended as
27 merchandise in the receiving dealer's business.

28 (7) The sale, delivery, or transfer of an unloaded firearm, other
29 than a handgun, by a dealer to himself or herself.

30 (8) The loan of an unloaded firearm by a dealer who also
31 operates a target facility which holds a business or regulatory
32 license on the premises of the building designated in the license
33 or whose building designated in the license is on the premises of
34 any club or organization organized for the purpose of practicing
35 shooting at targets upon established ranges, whether public or
36 private, to a person at that target facility or club or organization,
37 if the firearm is kept at all times within the premises of the target
38 range or on the premises of the club or organization.

39 (9) The loan of an unloaded firearm by a dealer to a
40 consultant-evaluator, if the loan does not exceed 45 days from the

1 date of delivery of the firearm by the dealer to the
2 consultant-evaluator.

3 (10) The return of an unloaded firearm to the owner of that
4 firearm by a dealer, if the owner initially delivered the firearm to
5 the dealer for service or repair.

6 (11) The sale, delivery, or transfer of an unloaded firearm by a
7 dealer to a person licensed as an importer or manufacturer pursuant
8 to Chapter 44 (commencing with Section 921) of Title 18 of the
9 United States Code and any regulations issued pursuant thereto.

10 (c) A violation of this section is a misdemeanor.

11 28105. (a) (1) The register required by Section 28100 shall
12 be prepared by and obtained from the State Printer.

13 (2) The State Printer shall furnish the register only to dealers
14 on application, at a cost to be determined by the Department of
15 General Services.

16 (3) The Department of General Services shall determine the
17 cost for each 100 leaves in quadruplicate, one original and three
18 duplicates for the making of carbon copies.

19 (4) The original and duplicate copies shall differ in color, and
20 shall be in the form provided by this chapter.

21 (b) Where the electronic transfer of applicant information is
22 used, the Department of Justice shall develop the standards for all
23 appropriate electronic equipment and telephone numbers to effect
24 the transfer of information to the department.

25 28110. (a) The State Printer upon issuing a register shall
26 forward to the Department of Justice both of the following:

27 (1) The name and business address of the dealer.

28 (2) The series and sheet numbers of the register.

29 (b) The register shall not be transferable.

30 (c) If the dealer moves the business to a different location, the
31 dealer shall notify the department of that fact in writing within 48
32 hours.

33

34 Article 2. Form of the Register or the Record of Electronic
35 Transfer
36

37 28150. As used in this article, the following words have the
38 following meanings:

39 (a) "Purchase" means the purchase, loan, or transfer of a firearm.

1 (b) “Purchaser” means the purchaser or transferee of a firearm
2 or the person being loaned a firearm.

3 (c) “Sale” means the sale, loan, or transfer of a firearm.

4 28155. The Department of Justice shall prescribe the form of
5 the register and the record of electronic transfer pursuant to Section
6 28105.

7 28160. (a) For handguns, the register or record of electronic
8 transfer shall include all of the following information:

9 (1) The date and time of sale.

10 (2) The make of firearm.

11 (3) Peace officer exemption status pursuant to the provisions
12 listed in subdivision (c) of Section 16585, and the agency name.

13 (4) Dealer waiting period exemption pursuant to Sections 26960
14 and 27660.

15 (5) Dangerous weapons permitholder waiting period exemption
16 pursuant to Sections 26965 and 27665.

17 (6) Curio and relic waiting period exemption pursuant to
18 Sections 26970 and 27670.

19 (7) California Firearms Dealer number issued pursuant to Article
20 1 (commencing with Section 26700) of Chapter 2.

21 (8) For transactions occurring prior to January 1, 2003, the
22 purchaser’s basic firearms safety certificate number issued pursuant
23 to former Sections 12805 and 12809, as those sections read at any
24 time from when they became operative on January 1, 1992, to
25 when they were repealed on January 1, 2003.

26 (9) For transactions occurring on or after January 1, 2003, the
27 purchaser’s handgun safety certificate number issued pursuant to
28 Article 2 (commencing with Section 31610) of Chapter 4 of
29 Division 10 of this title, or pursuant to former Article 8
30 (commencing with Section 12800) of Chapter 6 of Title 2 of Part
31 4, as that article read at any time from when it became operative
32 on January 1, 2003, to when it was repealed by the Deadly
33 Weapons Recodification Act of 2010.

34 (10) Manufacturer’s name if stamped on the firearm.

35 (11) Model name or number, if stamped on the firearm.

36 (12) Serial number, if applicable.

37 (13) Other number, if more than one serial number is stamped
38 on the firearm.

39 (14) Any identification number or mark assigned to the firearm
40 pursuant to Section 23910.

- 1 (15) Caliber.
- 2 (16) Type of firearm.
- 3 (17) If the firearm is new or used.
- 4 (18) Barrel length.
- 5 (19) Color of the firearm.
- 6 (20) Full name of purchaser.
- 7 (21) Purchaser's complete date of birth.
- 8 (22) Purchaser's local address.
- 9 (23) If current address is temporary, complete permanent address
- 10 of purchaser.
- 11 (24) Identification of purchaser.
- 12 (25) Purchaser's place of birth (state or country).
- 13 (26) Purchaser's complete telephone number.
- 14 (27) Purchaser's occupation.
- 15 (28) Purchaser's sex.
- 16 (29) Purchaser's physical description.
- 17 (30) All legal names and aliases ever used by the purchaser.
- 18 (31) Yes or no answer to questions that prohibit purchase,
- 19 including, but not limited to, conviction of a felony as described
- 20 in Chapter 2 (commencing with Section 29800) or an offense
- 21 described in Chapter 3 (commencing with Section 29900) of
- 22 Division 9 of this title, the purchaser's status as a person described
- 23 in Section 8100 of the Welfare and Institutions Code, whether the
- 24 purchaser is a person who has been adjudicated by a court to be a
- 25 danger to others or found not guilty by reason of insanity, and
- 26 whether the purchaser is a person who has been found incompetent
- 27 to stand trial or placed under conservatorship by a court pursuant
- 28 to Section 8103 of the Welfare and Institutions Code.
- 29 (32) Signature of purchaser.
- 30 (33) Signature of salesperson, as a witness to the purchaser's
- 31 signature.
- 32 (34) Salesperson's certificate of eligibility number, if the
- 33 salesperson has obtained a certificate of eligibility.
- 34 (35) Name and complete address of the dealer or firm selling
- 35 the firearm as shown on the dealer's license.
- 36 (36) The establishment number, if assigned.
- 37 (37) The dealer's complete business telephone number.
- 38 (38) Any information required by Chapter 5 (commencing with
- 39 Section 28050).

1 (39) Any information required to determine whether subdivision
2 (f) of Section 27540 applies.

3 (40) A statement of the penalties for signing a fictitious name
4 or address, knowingly furnishing any incorrect information, or
5 knowingly omitting any information required to be provided for
6 the register.

7 (b) Effective January 1, 2003, the purchaser shall provide the
8 purchaser's right thumbprint on the register in a manner prescribed
9 by the department. No exception to this requirement shall be
10 permitted except by regulations adopted by the department.

11 (c) The firearms dealer shall record on the register or record of
12 electronic transfer the date that the handgun is delivered.

13 28165. (a) For firearms other than handguns, the register or
14 record of electronic transfer shall include all of the following
15 information:

16 (1) The date and time of sale.

17 (2) Peace officer exemption status pursuant to the provisions
18 listed in subdivision (c) of Section 16585, and the agency name.

19 (3) Dangerous weapons permitholder waiting period exemption
20 pursuant to Sections 26965 and 27665.

21 (4) Curio and relic waiting period exemption pursuant to
22 Sections 26970 and 27670.

23 (5) Auction or event waiting period exemption pursuant to
24 Sections 26955 and 27655.

25 (6) California Firearms Dealer number issued pursuant to Article
26 1 (commencing with Section 26700) of Chapter 2.

27 (7) Full name of purchaser.

28 (8) Purchaser's complete date of birth.

29 (9) Purchaser's local address.

30 (10) If current address is temporary, complete permanent address
31 of purchaser.

32 (11) Identification of purchaser.

33 (12) Purchaser's place of birth (state or country).

34 (13) Purchaser's complete telephone number.

35 (14) Purchaser's occupation.

36 (15) Purchaser's sex.

37 (16) Purchaser's physical description.

38 (17) All legal names and aliases ever used by the purchaser.

39 (18) Yes or no answer to questions that prohibit purchase,
40 including, but not limited to, conviction of a felony as described

1 in Chapter 2 (commencing with Section 29800) or an offense
2 described in Chapter 3 (commencing with Section 29900) of
3 Division 9 of this title, the purchaser's status as a person described
4 in Section 8100 of the Welfare and Institutions Code, whether the
5 purchaser is a person who has been adjudicated by a court to be a
6 danger to others or found not guilty by reason of insanity, whether
7 the purchaser is a person who has been found incompetent to stand
8 trial or placed under conservatorship by a court pursuant to Section
9 8103 of the Welfare and Institutions Code.

10 (19) Signature of purchaser.

11 (20) Signature of salesperson, as a witness to the purchaser's
12 signature.

13 (21) Salesperson's certificate of eligibility number, if the
14 salesperson has obtained a certificate of eligibility.

15 (22) Name and complete address of the dealer or firm selling
16 the firearm as shown on the dealer's license.

17 (23) The establishment number, if assigned.

18 (24) The dealer's complete business telephone number.

19 (25) Any information required by Chapter 5 (commencing with
20 Section 28050).

21 (26) A statement of the penalties for any person signing a
22 fictitious name or address, knowingly furnishing any incorrect
23 information, or knowingly omitting any information required to
24 be provided for the register.

25 (b) Effective January 1, 2003, the purchaser shall provide the
26 purchaser's right thumbprint on the register in a manner prescribed
27 by the department. No exception to this requirement shall be
28 permitted except by regulations adopted by the department.

29 (c) The firearms dealer shall record on the register or record of
30 electronic transfer the date that the firearm is delivered.

31 28170. Where the register is used, the following shall apply:

32 (a) Dealers shall use ink to complete each document.

33 (b) The dealer or salesperson making a sale shall ensure that all
34 information is provided legibly. The dealer and salespersons shall
35 be informed that incomplete or illegible information will delay
36 sales.

37 (c) Each dealer shall be provided instructions regarding the
38 procedure for completion of the form and routing of the form.
39 Dealers shall comply with these instructions, which shall include
40 the information set forth in this section.

1 (d) One firearm transaction shall be reported on each record of
2 sale document.

3 (e) For purposes of this section, a “transaction” means a single
4 sale, loan, or transfer of any number of firearms that are not
5 handguns.

6 28175. The dealer or salesperson making a sale shall ensure
7 that all required information has been obtained from the purchaser.
8 The dealer and all salespersons shall be informed that incomplete
9 information will delay sales.

10 28180. (a) Effective January 1, 2003, the purchaser’s name,
11 date of birth, and driver’s license or identification number shall
12 be obtained electronically from the magnetic strip on the
13 purchaser’s driver’s license or identification and shall not be
14 supplied by any other means, except as authorized by the
15 department.

16 (b) The requirement of subdivision (a) shall not apply in either
17 of the following cases:

18 (1) The purchaser’s identification consists of a military
19 identification card.

20 (2) Due to technical limitations, the magnetic stripe reader is
21 unable to obtain the required information from the purchaser’s
22 identification. In those circumstances, the firearms dealer shall
23 obtain a photocopy of the identification as proof of compliance.

24 (c) In the event that the dealer has reported to the department
25 that the dealer’s equipment has failed, information pursuant to this
26 section shall be obtained by an alternative method to be determined
27 by the department.

28
29 Article 3. Submission of Fees and Firearm Purchaser
30 Information to the Department of Justice
31

32 28200. As used in this article, the following words have the
33 following meanings:

34 (a) “Purchase” means the purchase, loan, or transfer of a firearm.

35 (b) “Purchaser” means the purchaser or transferee of a firearm
36 or the person being loaned a firearm.

37 (c) “Sale” means the sale, loan, or transfer of a firearm.

38 (d) “Seller” means, if the transaction is being conducted pursuant
39 to Chapter 5 (commencing with Section 28050), the person selling,
40 loaning, or transferring the firearm.

1 28205. (a) Until January 1, 1998, the Department of Justice
2 shall determine the method by which a dealer shall submit firearm
3 purchaser information to the department. The information shall be
4 in one of the following formats:

5 (1) Submission of the register described in Article 2
6 (commencing with Section 28150).

7 (2) Electronic or telephonic transfer of the information contained
8 in the register described in Article 2 (commencing with Section
9 28150).

10 (b) On or after January 1, 1998, electronic or telephonic transfer,
11 including voice or facsimile transmission, shall be the exclusive
12 means by which purchaser information is transmitted to the
13 department.

14 (c) On or after January 1, 2003, except as permitted by the
15 department, electronic transfer shall be the exclusive means by
16 which information is transmitted to the department. Telephonic
17 transfer shall not be permitted for information regarding sales of
18 any firearms.

19 28210. (a) (1) Where the register is used, the purchaser of
20 any firearm shall be required to present to the dealer clear evidence
21 of the person's identity and age.

22 (2) The dealer shall require the purchaser to sign the purchaser's
23 current legal name and affix the purchaser's residence address and
24 date of birth to the register in quadruplicate.

25 (3) The salesperson shall sign the register in quadruplicate, as
26 a witness to the signature and identification of the purchaser.

27 (b) Any person furnishing a fictitious name or address,
28 knowingly furnishing any incorrect information, or knowingly
29 omitting any information required to be provided for the register
30 shall be punished as provided in Section 28250.

31 (c) (1) The original of the register shall be retained by the dealer
32 in consecutive order.

33 (2) Each book of 50 originals shall become the permanent
34 register of transactions, which shall be retained for not less than
35 three years from the date of the last transaction.

36 (3) Upon presentation of proper identification, the permanent
37 register of transactions shall be available for inspection by any
38 peace officer, Department of Justice employee designated by the
39 Attorney General, or agent of the federal Bureau of Alcohol,
40 Tobacco, Firearms and Explosives. No information shall be

1 compiled therefrom regarding the purchasers or other transferees
2 of firearms that are not pistols, revolvers, or other firearms capable
3 of being concealed upon the person.

4 (d) On the date of the application to purchase, two copies of the
5 original sheet of the register shall be placed in the mail, postage
6 prepaid, and properly addressed to the Department of Justice.

7 (e) If requested, a photocopy of the original shall be provided
8 to the purchaser by the dealer.

9 (f) If the transaction is a private party transfer conducted
10 pursuant to Chapter 5 (commencing with Section 28050), a
11 photocopy of the original shall be provided to the seller or
12 purchaser by the dealer, upon request. The dealer shall redact all
13 of the purchaser's personal information, as required pursuant to
14 subdivision (a) of Section 28160 and subdivision (a) of Section
15 28165, from the seller's copy, and the seller's personal information
16 from the purchaser's copy.

17 28215. (a) (1) Where the electronic or telephonic transfer of
18 applicant information is used, the purchaser shall be required to
19 present to the dealer clear evidence of the person's identity and
20 age.

21 (2) The dealer shall require the purchaser to sign the purchaser's
22 current legal name to the record of electronic or telephonic transfer.

23 (3) The salesperson shall sign the record of electronic or
24 telephonic transfer, as a witness to the signature and identification
25 of the purchaser.

26 (b) Any person furnishing a fictitious name or address,
27 knowingly furnishing any incorrect information, or knowingly
28 omitting any information required to be provided for the electronic
29 or telephonic transfer shall be punished as provided in Section
30 28250.

31 (c) (1) The original of each record of electronic or telephonic
32 transfer shall be retained by the dealer in consecutive order.

33 (2) Each original shall become the permanent record of the
34 transaction, which shall be retained for not less than three years
35 from the date of the last transaction.

36 (3) Upon presentation of proper identification, the permanent
37 record of the transaction shall be provided for inspection by any
38 peace officer, Department of Justice employee designated by the
39 Attorney General, or agent of the federal Bureau of Alcohol,
40 Tobacco, Firearms and Explosives. No information shall be

1 compiled therefrom regarding the purchasers or other transferees
2 of firearms that are not pistols, revolvers, or other firearms capable
3 of being concealed upon the person.

4 (d) On the date of the application to purchase, the record of
5 applicant information shall be transmitted to the Department of
6 Justice by electronic or telephonic transfer.

7 (e) If requested, a copy of the record of electronic or telephonic
8 transfer shall be provided to the purchaser by the dealer.

9 (f) If the transaction is a private party transfer conducted
10 pursuant to Chapter 5 (commencing with Section 28050), a copy
11 shall be provided to the seller or purchaser by the dealer, upon
12 request. The dealer shall redact all of the purchaser's personal
13 information, as required pursuant to subdivision (a) of Section
14 28160 and subdivision (a) of Section 28165, from the seller's copy,
15 and the seller's personal information from the purchaser's copy.

16 28220. (a) Upon submission of firearm purchaser information,
17 the Department of Justice shall examine its records, as well as
18 those records that it is authorized to request from the State
19 Department of Mental Health pursuant to Section 8104 of the
20 Welfare and Institutions Code, in order to determine if the
21 purchaser is a person described in subdivision (a) of Section 27535,
22 or is prohibited by state or federal law from possessing, receiving,
23 owning, or purchasing a firearm.

24 (b) To the extent that funding is available, the Department of
25 Justice may participate in the National Instant Criminal Background
26 Check System (NICS), as described in subsection (t) of Section
27 922 of Title 18 of the United States Code, and, if that participation
28 is implemented, shall notify the dealer and the chief of the police
29 department of the city or city and county in which the sale was
30 made, or if the sale was made in a district in which there is no
31 municipal police department, the sheriff of the county in which
32 the sale was made, that the purchaser is a person prohibited from
33 acquiring a firearm under federal law.

34 (c) If the department determines that the purchaser is prohibited
35 by state or federal law from possessing, receiving, owning, or
36 purchasing a firearm or is a person described in subdivision (a) of
37 Section 27535, it shall immediately notify the dealer and the chief
38 of the police department of the city or city and county in which
39 the sale was made, or if the sale was made in a district in which

1 there is no municipal police department, the sheriff of the county
2 in which the sale was made, of that fact.

3 (d) If the department determines that the copies of the register
4 submitted to it pursuant to subdivision (d) of Section 28210 contain
5 any blank spaces or inaccurate, illegible, or incomplete information,
6 preventing identification of the purchaser or the pistol, revolver,
7 or other firearm to be purchased, or if any fee required pursuant
8 to Section 28225 is not submitted by the dealer in conjunction with
9 submission of copies of the register, the department may notify
10 the dealer of that fact. Upon notification by the department, the
11 dealer shall submit corrected copies of the register to the
12 department, or shall submit any fee required pursuant to Section
13 28225, or both, as appropriate and, if notification by the department
14 is received by the dealer at any time prior to delivery of the firearm
15 to be purchased, the dealer shall withhold delivery until the
16 conclusion of the waiting period described in Sections 26815 and
17 27540.

18 (e) If the department determines that the information transmitted
19 to it pursuant to Section 28215 contains inaccurate or incomplete
20 information preventing identification of the purchaser or the pistol,
21 revolver, or other firearm capable of being concealed upon the
22 person to be purchased, or if the fee required pursuant to Section
23 28225 is not transmitted by the dealer in conjunction with
24 transmission of the electronic or telephonic record, the department
25 may notify the dealer of that fact. Upon notification by the
26 department, the dealer shall transmit corrections to the record of
27 electronic or telephonic transfer to the department, or shall transmit
28 any fee required pursuant to Section 28225, or both, as appropriate,
29 and if notification by the department is received by the dealer at
30 any time prior to delivery of the firearm to be purchased, the dealer
31 shall withhold delivery until the conclusion of the waiting period
32 described in Sections 26815 and 27540.

33 28225. (a) The Department of Justice may require the dealer
34 to charge each firearm purchaser a fee not to exceed fourteen
35 dollars (\$14), except that the fee may be increased at a rate not to
36 exceed any increase in the California Consumer Price Index as
37 compiled and reported by the Department of Industrial Relations.

38 (b) The fee under subdivision (a) shall be no more than is
39 necessary to fund the following:

40 (1) The department for the cost of furnishing this information.

1 (2) The department for the cost of meeting its obligations under
2 paragraph (2) of subdivision (b) of Section 8100 of the Welfare
3 and Institutions Code.

4 (3) Local mental health facilities for state-mandated local costs
5 resulting from the reporting requirements imposed by Section 8103
6 of the Welfare and Institutions Code.

7 (4) The State Department of Mental Health for the costs resulting
8 from the requirements imposed by Section 8104 of the Welfare
9 and Institutions Code.

10 (5) Local mental hospitals, sanitariums, and institutions for
11 state-mandated local costs resulting from the reporting
12 requirements imposed by Section 8105 of the Welfare and
13 Institutions Code.

14 (6) Local law enforcement agencies for state-mandated local
15 costs resulting from the notification requirements set forth in
16 subdivision (a) of Section 6385 of the Family Code.

17 (7) Local law enforcement agencies for state-mandated local
18 costs resulting from the notification requirements set forth in
19 subdivision (c) of Section 8105 of the Welfare and Institutions
20 Code.

21 (8) For the actual costs associated with the electronic or
22 telephonic transfer of information pursuant to Section 28215.

23 (9) The Department of Food and Agriculture for the costs
24 resulting from the notification provisions set forth in Section 5343.5
25 of the Food and Agricultural Code.

26 (10) The department for the costs associated with subdivisions
27 (d) and (e) of Section 27560.

28 (11) The department for the costs associated with funding
29 Department of Justice firearms-related regulatory and enforcement
30 activities related to the sale, purchase, loan, or transfer of firearms
31 pursuant to any provision listed in Section 16580.

32 (c) The fee established pursuant to this section shall not exceed
33 the sum of the actual processing costs of the department, the
34 estimated reasonable costs of the local mental health facilities for
35 complying with the reporting requirements imposed by paragraph
36 (3) of subdivision (b), the costs of the State Department of Mental
37 Health for complying with the requirements imposed by paragraph
38 (4) of subdivision (b), the estimated reasonable costs of local
39 mental hospitals, sanitariums, and institutions for complying with
40 the reporting requirements imposed by paragraph (5) of subdivision

(b), the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements set forth in subdivision (a) of Section 6385 of the Family Code, the estimated reasonable costs of local law enforcement agencies for complying with the notification requirements set forth in subdivision (c) of Section 8105 of the Welfare and Institutions Code imposed by paragraph (7) of subdivision (b), the estimated reasonable costs of the Department of Food and Agriculture for the costs resulting from the notification provisions set forth in Section 5343.5 of the Food and Agricultural Code, the estimated reasonable costs of the department for the costs associated with subdivisions (d) and (e) of Section 27560, and the estimated reasonable costs of department firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms pursuant to any provision listed in Section 16580.

(d) Where the electronic or telephonic transfer of applicant information is used, the department shall establish a system to be used for the submission of the fees described in this section to the department.

28230. (a) The Department of Justice may charge a fee sufficient to reimburse it for each of the following but not to exceed fourteen dollars (\$14), except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations:

(1) For the actual costs associated with the preparation, sale, processing, and filing of forms or reports required or utilized pursuant to any provision listed in subdivision (a) of Section 16585.

(2) For the actual processing costs associated with the submission of a Dealers' Record of Sale to the department.

(3) For the actual costs associated with the preparation, sale, processing, and filing of reports utilized pursuant to Section 26905, 27565, or 28000, or paragraph (1) of subdivision (a) of Section 27560.

(4) For the actual costs associated with the electronic or telephonic transfer of information pursuant to Section 28215.

(b) If the department charges a fee pursuant to paragraph (2) of subdivision (a), it shall be charged in the same amount to all categories of transaction that are within that paragraph.

(c) Any costs incurred by the Department of Justice to implement this section shall be reimbursed from fees collected and charged pursuant to this section. No fees shall be charged to the dealer pursuant to Section 28225 for implementing this section.

28235. All money received by the department pursuant to this article shall be deposited in the Dealers' Record of Sale Special Account of the General Fund, which is hereby created, to be available, upon appropriation by the Legislature, for expenditure by the department to offset the costs incurred pursuant to any of the following:

- (a) This article.
- (b) Section 18910.
- (c) Section 27555.
- (d) Subdivisions (d) and (e) of Section 27560.
- (e) Article 6 (commencing with Section 28450).
- (f) Section 31110.
- (g) Section 31115.
- (h) Subdivision (a) of Section 32020.
- (i) Section 32670.
- (j) Section 33320.

28240. (a) Only one fee shall be charged pursuant to this article for a single transaction on the same date for the sale of any number of firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person, or for the taking of possession of those firearms.

(b) In a single transaction on the same date for the delivery of any number of firearms that are pistols, revolvers, or other firearms capable of being concealed upon the person, the department shall charge a reduced fee pursuant to this article for the second and subsequent firearms that are part of that transaction.

(c) Only one fee shall be charged pursuant to this article for a single transaction on the same date for taking title or possession of any number of firearms pursuant to Section 26905, 27870, 27875, 27915, 27920, or 27925.

28245. Whenever the Department of Justice acts pursuant to this article as it pertains to firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, the department's acts or omissions shall be deemed to be discretionary within the meaning of the California Tort Claims Act pursuant to

1 Division 3.6 (commencing with Section 810) of Title 1 of the
2 Government Code.

3 28250. (a) Any person who does any of the following is guilty
4 of a misdemeanor:

5 (1) Furnishing a fictitious name or address for the register under
6 Section 28210 or the electronic or telephonic transfer under Section
7 28215.

8 (2) Knowingly furnishing any incorrect information for the
9 register under Section 28210 or the electronic or telephonic transfer
10 under Section 28215.

11 (3) Knowingly omitting any information required to be provided
12 for the register under Section 28210 or the electronic or telephonic
13 transfer under Section 28215.

14 (4) Violating any provision of this article.

15 (b) Notwithstanding subdivision (a), any person who is
16 prohibited from obtaining a firearm pursuant to Chapter 2
17 (commencing with Section 29800) or Chapter 3 (commencing with
18 Section 29900) of Division 9 of this title, or Section 8100 or 8103
19 of the Welfare and Institutions Code, who does any of the following
20 shall be punished by imprisonment in a county jail not exceeding
21 one year or imprisonment in the state prison for a term of 8, 12,
22 or 18 months:

23 (1) Knowingly furnishes a fictitious name or address for the
24 register under Section 28210 or the electronic or telephonic transfer
25 under Section 28215.

26 (2) Knowingly furnishes any incorrect information for the
27 register under Section 28210 or the electronic or telephonic transfer
28 under Section 28215.

29 (3) Knowingly omits any information required to be provided
30 for the register under Section 28210 or the electronic or telephonic
31 transfer under Section 28215.

32
33 Article 4. Firearms Safety and Enforcement Special Fund
34

35 28300. (a) The Firearms Safety and Enforcement Special Fund
36 is hereby established in the State Treasury and shall be
37 administered by the Department of Justice.

38 (b) Notwithstanding Section 13340 of the Government Code,
39 all moneys in the fund are continuously appropriated to the
40 Department of Justice, without regard to fiscal years, for the

1 purpose of implementing and enforcing the provisions of Article
2 2 (commencing with Section 31610) of Chapter 4 of Division 10,
3 enforcing Section 830.95, Title 2 (commencing with Section
4 12001) of Part 4, Sections 16000 to 16960, inclusive, Sections
5 16970 to 17230, inclusive, Sections 17240 to 21390, inclusive,
6 and Sections 21590 to 34370, inclusive, and for the establishment,
7 maintenance, and upgrading of equipment and services necessary
8 for firearms dealers to comply with Article 2 (commencing with
9 Section 28150).

10 (c) The Department of Justice may require firearms dealers to
11 charge each person who obtains a firearm a fee not to exceed five
12 dollars (\$5) for each transaction. Revenues from this fee shall be
13 deposited in the Firearms Safety and Enforcement Special Fund.

14 15 Article 5. Exceptions Relating to Law Enforcement

16
17 28400. (a) Article 1 (commencing with Section 28100), Article
18 2 (commencing with Section 28150), Article 3 (commencing with
19 Section 28200), and Article 4 (commencing with Section 28300)
20 do not apply to any sale, delivery, or transfer of firearms made to
21 an authorized law enforcement representative of any city, county,
22 city and county, or state, or of the federal government, for exclusive
23 use by that governmental agency if, prior to the sale, delivery, or
24 transfer of these firearms, written authorization from the head of
25 the agency authorizing the transaction is presented to the person
26 from whom the purchase, delivery, or transfer is being made.

27 (b) Proper written authorization is defined as verifiable written
28 certification from the head of the agency by which the purchaser
29 or transferee is employed, identifying the employee as an individual
30 authorized to conduct the transaction, and authorizing the
31 transaction for the exclusive use of the agency by which that person
32 is employed.

33 (c) Within 10 days of the date a handgun is acquired by the
34 agency, a record of the same shall be entered as an institutional
35 weapon into the Automated Firearms System (AFS) via the
36 California Law Enforcement Telecommunications System
37 (CLETS) by the law enforcement or state agency. Any agency
38 without access to AFS shall arrange with the sheriff of the county
39 in which the agency is located to input this information via this
40 system.

1 28405. Article 1 (commencing with Section 28100), Article 2
2 (commencing with Section 28150), Article 3 (commencing with
3 Section 28200), and Article 4 (commencing with Section 28300)
4 do not apply to the loan of a firearm if all of the following
5 conditions are satisfied:

6 (a) The loan is made by an authorized law enforcement
7 representative of a city, county, or city and county, or of the state
8 or federal government.

9 (b) The loan is made to a peace officer employed by that agency
10 and authorized to carry a firearm.

11 (c) The loan is made for the carrying and use of that firearm by
12 that peace officer in the course and scope of the officer's duties.

13 28410. (a) Article 1 (commencing with Section 28100), Article
14 2 (commencing with Section 28150), Article 3 (commencing with
15 Section 28200), and Article 4 (commencing with Section 28300)
16 do not apply to the sale, delivery, or transfer of a firearm by a law
17 enforcement agency to a peace officer pursuant to Section 10334
18 of the Public Contract Code.

19 (b) Within 10 days of the date that a handgun is sold, delivered,
20 or transferred pursuant to Section 10334 of the Public Contract
21 Code to that peace officer, the name of the officer and the make,
22 model, serial number, and other identifying characteristics of the
23 firearm being sold, delivered, or transferred shall be entered into
24 the Automated Firearms System (AFS) via the California Law
25 Enforcement Telecommunications System (CLETS) by the law
26 enforcement or state agency that sold, delivered, or transferred the
27 firearm. Any agency without access to AFS shall arrange with the
28 sheriff of the county in which the agency is located to input this
29 information via this system.

30 28415. (a) Article 1 (commencing with Section 28100), Article
31 2 (commencing with Section 28150), Article 3 (commencing with
32 Section 28200), and Article 4 (commencing with Section 28300)
33 do not apply to the sale, delivery, or transfer of a firearm by a law
34 enforcement agency to a retiring peace officer who is authorized
35 to carry a firearm pursuant to Chapter 5 (commencing with Section
36 26300) of Division 5.

37 (b) Within 10 days of the date that a handgun is sold, delivered,
38 or transferred to that retiring peace officer, the name of the officer
39 and the make, model, serial number, and other identifying
40 characteristics of the firearm being sold, delivered, or transferred

1 shall be entered into the Automated Firearms System (AFS) via
2 the California Law Enforcement Telecommunications System
3 (CLETS) by the law enforcement or state agency that sold,
4 delivered, or transferred the firearm. Any agency without access
5 to AFS shall arrange with the sheriff of the county in which the
6 agency is located to input this information via this system.

7
8 Article 6. Centralized List of Exempted Federal Firearms
9 Licensees
10

11 28450. (a) Commencing January 1, 2008, the Department of
12 Justice shall keep a centralized list of persons who identify
13 themselves as being licensed pursuant to Chapter 44 (commencing
14 with Section 921) of Title 18 of the United States Code as a dealer,
15 importer, or manufacturer of firearms whose licensed premises
16 are within this state and who declare to the department an
17 exemption from the firearms dealer licensing requirements of
18 Section 26500.

19 (b) The list shall be known as the centralized list of exempted
20 federal firearms licensees.

21 (c) To qualify for placement on the centralized list, an applicant
22 shall do all of the following:

23 (1) Possess a valid federal firearms license pursuant to Chapter
24 44 (commencing with Section 921) of Title 18 of the United States
25 Code as a dealer, importer, or manufacturer of firearms.

26 (2) Possess a current, valid certificate of eligibility pursuant to
27 Section 26710.

28 (3) Maintain with the department a signed declaration
29 enumerating the applicant's statutory exemptions from licensing
30 requirements of Section 26500.

31 28455. Any person furnishing a fictitious name, knowingly
32 furnishing any incorrect information, or knowingly omitting any
33 information for the declaration under paragraph (3) of subdivision
34 (c) of Section 28450 shall be guilty of a misdemeanor.

35 28460. (a) Commencing January 1, 2008, the department shall
36 assess an annual fee of one hundred fifteen dollars (\$115) to cover
37 its costs of maintaining the centralized list of exempted federal
38 firearms licensees prescribed by Section 28450, conducting
39 inspections in accordance with this article, and for the cost of

1 maintaining the firearm shipment verification number system
2 described in Section 27555.

3 (b) The department may increase the fee at a rate not to exceed
4 the increase in the California Consumer Price Index as compiled
5 and reported by the Department of Industrial Relations.

6 (c) The fees collected shall be deposited in the Dealers' Record
7 of Sale Special Account.

8 (d) A person who satisfies all of the following conditions shall
9 not be charged a fee:

10 (1) The person is not licensed pursuant to Sections 26700 to
11 26915, inclusive.

12 (2) The person has been issued a permit pursuant to Section
13 31005, 32650, or 33300, or pursuant to Article 3 (commencing
14 with Section 18900) of Chapter 1 of Division 5 of Title 2.

15 (3) The person is placed on the centralized list of exempted
16 federal firearms licensees.

17 28465. (a) Any person licensed pursuant to Chapter 44
18 (commencing with Section 921) of Title 18 of the United States
19 Code as a dealer, importer, or manufacturer of firearms whose
20 licensed premises are within this state shall not import or receive
21 firearms from any source unless listed on the centralized list of
22 firearms dealers pursuant to Section 26715, or the centralized list
23 of exempted federal firearms licensees pursuant to Section 28450,
24 or the centralized list of firearms manufacturers pursuant to Section
25 29060.

26 (b) A violation of this section is a misdemeanor.

27 28470. (a) All persons on the centralized list of exempted
28 federal firearms licensees prescribed by Section 28450 shall record
29 and keep on file for three years, the verification number that shall
30 accompany firearms received from other federal firearms licensees
31 pursuant to Section 27555.

32 (b) A violation of this section is cause for immediate removal
33 from the centralized list.

34 28475. Information compiled from the list described in Section
35 28450 shall be made available for the following purposes:

36 (a) Requests from local, state, and federal law enforcement
37 agencies and the duly constituted city, county, and city and county
38 licensing authorities.

39 (b) When the information is requested by a person licensed
40 pursuant to Chapter 44 (commencing with Section 921) of Title

1 18 of the United States Code for determining the validity of the
2 license for firearm shipments.

3 28480. (a) The department may conduct onsite inspections at
4 the business premises of a person on the centralized list described
5 in Section 28450 to determine compliance with firearms laws
6 pursuant to the provisions listed in Section 16575.

7 (b) The department shall work in consultation with the Bureau
8 of Alcohol, Tobacco, Firearms, and Explosives to ensure that
9 licensees are not subject to duplicative inspections.

10 (c) During the inspection the following firearm records shall be
11 made available for review:

12 (1) Federal records referred to in subdivision (a) of Section
13 478.125 of Title 27 of the Code of Federal Regulations and the
14 bound book containing the same information referred to in Section
15 478.124a and subdivision (e) of Section 478.125 of Title 27 of the
16 Code of Federal Regulations.

17 (2) Verification numbers issued pursuant to Section 27555.

18 (3) Any other records requested by the department to determine
19 compliance with the provisions listed in Section 16575.

20 28485. The department may remove from the centralized list
21 described in Section 28450 any person who violates a provision
22 listed in Section 16575.

23 28490. The department may adopt regulations as necessary to
24 carry out the provisions of this article, Article 1 (commencing with
25 Section 26700) and Article 2 (commencing with Section 26800)
26 of Chapter 2, and Sections 27555 to 27570, inclusive. The
27 department shall work in consultation with the Bureau of Alcohol,
28 Tobacco, Firearms, and Explosives to ensure that state regulations
29 are not duplicative of federal regulations.

31 DIVISION 7. MANUFACTURE OF FIREARMS

32 CHAPTER 1. LICENSE REQUIREMENT FOR MANUFACTURE OF 33 FIREARMS 34

35
36 29010. (a) Commencing July 1, 1999, no person, firm, or
37 corporation licensed to manufacture firearms pursuant to Chapter
38 44 (commencing with Section 921) of Title 18 of the United States
39 Code may manufacture firearms within this state unless licensed
40 pursuant to Chapter 2 (commencing with Section 29030).

1 (b) Subdivision (a) does not apply to a person licensed to
2 manufacture firearms pursuant to Chapter 44 (commencing with
3 Section 921) of Title 18 of the United States Code who
4 manufactures fewer than 100 firearms in a calendar year within
5 this state.

6 (c) If a person, firm, or corporation required to be licensed
7 pursuant to Chapter 2 (commencing with Section 29030) ceases
8 operations, then the records required pursuant to Section 29130
9 and subdivision (b) of Section 29115 shall be forwarded to the
10 federal Bureau of Alcohol, Tobacco, and Firearms within three
11 days of the closure of business.

12 (d) A violation of this section is a misdemeanor.

13
14 CHAPTER 2. ISSUANCE, FORFEITURE, AND CONDITIONS OF
15 LICENSE TO MANUFACTURE FIREARMS

16
17 Article 1. Preliminary Provisions

18
19 29030. In this chapter, “licensee” means a person, firm, or
20 corporation that satisfies both of the following:

21 (a) Has a license issued pursuant to subdivision (b) of Section
22 29050.

23 (b) Is among those recorded in the centralized list specified in
24 Section 29060.

25
26 Article 2. Licensing Process

27
28 29050. (a) The Department of Justice shall accept applications
29 for, and shall grant licenses permitting, the manufacture of firearms
30 within this state.

31 (b) No license shall be granted by the department unless and
32 until the applicant presents proof that the applicant has all of the
33 following:

34 (1) A valid license to manufacture firearms issued pursuant to
35 Chapter 44 (commencing with Section 921) of Title 18 of the
36 United States Code.

37 (2) Any regulatory or business license required by local
38 government.

39 (3) A valid seller’s permit or resale certificate issued by the
40 State Board of Equalization, if applicable.

1 (4) A certificate of eligibility issued by the Department of Justice
2 pursuant to Section 26710.

3 (c) A license granted by the department shall be valid for no
4 more than one year from the date of issuance and shall be in the
5 form prescribed by the Attorney General.

6 (d) The department shall inform applicants who are denied
7 licenses of the reasons for the denial in writing.

8 29055. (a) The department shall adopt regulations to administer
9 this chapter and Chapter 1 (commencing with Section 29010).

10 (b) The department shall recover the full costs of administering
11 the program by collecting fees from license applicants. Recoverable
12 costs shall include, but not be limited to, the costs of inspections
13 and maintaining a centralized list of licensed firearm manufacturers.

14 (c) The fee for licensed manufacturers who produce fewer than
15 500 firearms in a calendar year within this state shall not exceed
16 two hundred fifty dollars (\$250) per year or the actual costs of
17 inspections and maintaining a centralized list of firearm
18 manufacturers and any other duties of the department required
19 pursuant to this chapter and Chapter 1 (commencing with Section
20 29010), whichever is less.

21 29060. (a) Except as otherwise provided in subdivisions (a)
22 and (b) of Section 20965, the Department of Justice shall maintain
23 a centralized list of all persons licensed pursuant to subdivision
24 (b) of Section 29050.

25 (b) The centralized list shall be provided annually to each police
26 department and county sheriff within the state.

27 29065. (a) Except as provided in subdivision (b), the license
28 of any licensee who violates this chapter may be revoked.

29 (b) The license of any licensee who knowingly or with gross
30 negligence violates this chapter or violates this chapter three times
31 shall be revoked, and that person, firm, or corporation shall become
32 permanently ineligible to obtain a license pursuant to this chapter.

33 (c) Upon the revocation of the license, notification shall be
34 provided to local law enforcement authorities in the jurisdiction
35 where the licensee's business is located and to the federal Bureau
36 of Alcohol, Tobacco, and Firearms.

37 29070. (a) The department shall make information concerning
38 the location and name of a licensee available, upon request, for
39 the following purposes only:

40 (1) Law enforcement.

1 (2) When the information is requested by a person licensed
2 pursuant to Chapter 44 (commencing with Section 921) of Title
3 18 of the United States Code for determining the validity of the
4 license for firearm shipments.

5 (b) Notwithstanding subdivision (a), the department shall make
6 the name and business address of a licensee available to any person
7 upon written request.

8 29075. The Department of Justice shall maintain and make
9 available upon request information concerning all of the following:

10 (a) The number of inspections conducted and the amount of
11 fees collected pursuant to Section 29055.

12 (b) The number of licensees removed from the centralized list
13 described in Sections 29060 and 29065.

14 (c) The number of licensees found to have violated this chapter.

15
16 Article 3. Prohibitions and Requirements Applicable to Licensee
17

18 29100. A licensee shall comply with the prohibitions and
19 requirements described in this article.

20 29105. The business of a licensee shall be conducted only in
21 the buildings designated in the license.

22 29110. A licensee shall display the license or a copy thereof,
23 certified by the department, on the premises where it can easily
24 be seen.

25 29115. (a) Whenever a licensee discovers that a firearm has
26 been stolen or is missing from the licensee's premises, the licensee
27 shall report the loss or theft within 48 hours of the discovery to all
28 of the following:

29 (1) The Department of Justice, in a manner prescribed by the
30 department.

31 (2) The federal Bureau of Alcohol, Tobacco, and Firearms.

32 (3) The police department in the city or city and county where
33 the building designated in the license is located.

34 (4) If there is no police department in the city or city and county
35 where the building designated in the license is located, the sheriff
36 of the county where the building designated in the license is
37 located.

38 (b) For at least 10 years, the licensee shall maintain records of
39 all firearms that are lost or stolen, as prescribed by the Department
40 of Justice.

1 29120. (a) A licensee shall require that each employee obtain
2 a certificate of eligibility pursuant to Section 26710, which shall
3 be renewed annually, before being allowed to come into contact
4 with any firearm.

5 (b) A licensee shall prohibit any employee who the licensee
6 knows or reasonably should know is prohibited by state or federal
7 law from possessing, receiving, owning, or purchasing a firearm
8 from coming into contact with any firearm.

9 29125. (a) Each firearm a licensee manufactures in this state
10 shall be identified with a unique serial number stamped onto the
11 firearm utilizing the method of compression stamping.

12 (b) Licensed manufacturers who produce fewer than 500
13 firearms in a calendar year within this state may serialize long
14 guns only by utilizing a method of compression stamping or by
15 engraving the serial number onto the firearm.

16 (c) The licensee shall stamp the serial number onto the firearm
17 within one business day of the time the frame or receiver is
18 manufactured.

19 (d) The licensee shall not use the same serial number for more
20 than one firearm.

21 29130. (a) A licensee shall record the type, model, caliber, or
22 gauge, and serial number of each firearm manufactured or acquired,
23 and the date of the manufacture or acquisition, within one business
24 day of the manufacture or acquisition.

25 (b) The licensee shall maintain permanently within the building
26 designated in the license the records required pursuant to
27 subdivision (a).

28 (c) Backup copies of the records described in subdivision (a),
29 whether electronic or hard copy, shall be made at least once a
30 month. These backup records shall be maintained in a facility
31 separate from the one in which the primary records are stored.

32 29135. (a) A licensee shall allow the department to inspect
33 the building designated in the license to ensure compliance with
34 the requirements of this chapter.

35 (b) A licensee shall allow any peace officer, authorized law
36 enforcement employee, or Department of Justice employee
37 designated by the Attorney General, upon the presentation of proper
38 identification, to inspect facilities and records during business
39 hours to ensure compliance with the requirements of this chapter.

1 29140. A licensee shall store in a secure facility all firearms
2 manufactured and all barrels for firearms manufactured.

3 29141. Except as otherwise provided in Section 29142, as used
4 in this chapter, “secure facility” means that the facility satisfies
5 all of the following:

6 (a) The facility is equipped with a burglar alarm with central
7 monitoring.

8 (b) All perimeter entries to areas in which firearms are stored
9 other than doors, including windows and skylights, are secured
10 with steel window guards or an audible, silent, or sonic alarm to
11 detect entry.

12 (c) All perimeter doorways are designed in one of the following
13 ways:

14 (1) A windowless steel security door equipped with both a
15 deadbolt and a doorknob lock.

16 (2) A windowed metal door equipped with both a deadbolt and
17 a doorknob lock. If the window has an opening of five inches or
18 more measured in any direction, the window is covered with steel
19 bars of at least one-half inch diameter or metal grating of at least
20 nine gauge affixed to the exterior or interior of the door.

21 (3) A metal grate that is padlocked and affixed to the licensee’s
22 premises independent of the door and doorframe.

23 (4) Hinges and hasps attached to doors by welding, riveting, or
24 bolting with nuts on the inside of the door.

25 (5) Hinges and hasps installed so that they cannot be removed
26 when the doors are closed and locked.

27 (d) Heating, ventilating, air-conditioning, and service openings
28 are secured with steel bars, metal grating, or an alarm system.

29 (e) No perimeter metal grates are capable of being entered by
30 any person.

31 (f) Steel bars used to satisfy the requirements of this section are
32 not capable of being entered by any person.

33 (g) Perimeter walls of rooms in which firearms are stored are
34 constructed of concrete or at least 10-gauge expanded steel wire
35 mesh utilized along with typical wood frame and drywall
36 construction. If firearms are not stored in a vault, the facility shall
37 use an exterior security-type door along with a high security,
38 single-key deadbolt, or other door that is more secure. All firearms
39 shall be stored in a separate room away from any general living

1 area or work area. Any door to the storage facility shall be locked
2 while unattended.

3 (h) Perimeter doorways, including the loading dock area, are
4 locked at all times when not attended by paid employees or
5 contracted employees, including security guards.

6 (i) Except when a firearm is currently being tested, any
7 ammunition on the premises is removed from all manufactured
8 guns and stored in a separate and locked room, cabinet, or box
9 away from the storage area for the firearms. Ammunition may be
10 stored with a weapon only in a locked safe.

11 29142. (a) For purposes of this chapter, any licensed
12 manufacturer who produces fewer than 500 firearms in a calendar
13 year within this state may maintain a “secure facility” by complying
14 with all of the requirements described in Section 29141, or may
15 design a security plan that is approved by the Department of Justice
16 or the federal Bureau of Alcohol, Tobacco, and Firearms.

17 (b) If a security plan is approved by the federal Bureau of
18 Alcohol, Tobacco, and Firearms, the approved plan, along with
19 proof of approval, shall be filed with the Department of Justice
20 and the local police department. If there is no police department,
21 the filing shall be with the county sheriff’s office.

22 (c) If a security plan is approved by the Department of Justice,
23 the approved plan, along with proof of approval, shall be filed with
24 the local police department. If there is no police department, the
25 filing shall be with the county sheriff’s office.

26 29150. (a) A licensee shall notify the chief of police or other
27 head of the municipal police department in the city or city and
28 county where the building designated in the license is located that
29 the licensee is manufacturing firearms within that city or city and
30 county and the location of the licensed premises.

31 (b) If there is no police department in the city or city and county
32 where the building designated in the license is located, the licensee
33 shall notify the sheriff of the county where the building designated
34 in the license is located that the licensee is manufacturing firearms
35 within that county and the location of the licensed premises.

DIVISION 8. MISCELLANEOUS RULES RELATING TO
FIREARMS GENERALLY

CHAPTER 1. MISCELLANEOUS PROVISIONS

29300. (a) Except as provided in subdivision (c), a firearm of any nature owned or possessed in violation of Chapter 1 (commencing with Section 29610), Chapter 2 (commencing with Section 29800), or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Chapter 3 (commencing with Section 8100) of Division 5 of the Welfare and Institutions Code, or used in the commission of any misdemeanor as provided in this code, any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the defendant or upon a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, a nuisance, and is subject to Sections 18000 and 18005.

(b) A finding that the defendant was guilty of the offense but was insane at the time the offense was committed is a conviction for the purposes of this section.

(c) A firearm is not a nuisance pursuant to this section if the firearm owner disposes of the firearm pursuant to Section 29810.

(d) This section does not apply to any of the following:

(1) Any firearm in the possession of the Department of Fish and Game.

(2) Any firearm that was used in the violation of any provision of the Fish and Game Code or any regulation adopted pursuant thereto.

(3) Any firearm that is forfeited pursuant to Section 5008.6 of the Public Resources Code.

CHAPTER 2. ENTERTAINMENT FIREARMS PERMIT

29500. Any person who is at least 21 years of age may apply for an entertainment firearms permit from the Department of Justice. An entertainment firearms permit authorizes the permitholder to possess firearms loaned to the permitholder for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

1 29505. (a) Requests for entertainment firearms permits shall
2 be made on application forms prescribed by the Department of
3 Justice that require applicant information, including, but not limited
4 to, the following:

- 5 (1) Complete name.
- 6 (2) Residential and mailing address.
- 7 (3) Telephone number.
- 8 (4) Date of birth.
- 9 (5) Place of birth.
- 10 (6) Country of citizenship and, if other than United States, alien
11 number or admission number.
- 12 (7) Valid driver's license number or valid identification card
13 number issued by the California Department of Motor Vehicles.
- 14 (8) Social security number.
- 15 (9) Signature.

16 (b) All applications must be submitted with the appropriate fee
17 as specified in Section 29510.

18 29510. (a) The Department of Justice shall recover the full
19 costs of administering the entertainment firearms permit program
20 by assessing the following application fees:

21 (1) For the initial application: one hundred four dollars (\$104).
22 Of this sum, fifty-six dollars (\$56) shall be deposited into the
23 Fingerprint Fee Account, and forty-eight dollars (\$48) shall be
24 deposited into the Dealer Record of Sale Account.

25 (2) For each annual renewal application: twenty-nine dollars
26 (\$29), which shall be deposited into the Dealer Record of Sale
27 Account.

28 (b) The department shall annually review and shall adjust the
29 fees specified in subdivision (a), if necessary, to fully fund, but
30 not to exceed the actual costs of, the permit program provided for
31 by this chapter, including enforcement of the program.

32 29515. (a) Upon receipt of an initial or renewal application
33 submitted as specified in Sections 29505, 29520, and 29525, the
34 department shall examine its records, records the department is
35 authorized to request from the State Department of Mental Health
36 pursuant to Section 8104 of the Welfare and Institutions Code,
37 and records of the National Instant Criminal Background Check
38 System as described in subsection (t) of Section 922 of Title 18
39 of the United States Code, in order to determine if the applicant
40 is prohibited from possessing or receiving firearms.

1 (b) The department shall issue an entertainment firearms permit
2 only if the records indicate that the applicant is not prohibited from
3 possessing or receiving firearms pursuant to any federal, state, or
4 local law.

5 29520. (a) An initial application for an entertainment firearms
6 permit shall require the submission of fingerprint images and
7 related information in a manner prescribed by the department, for
8 the purpose of obtaining information as to the existence and nature
9 of a record of state or federal level convictions and state or federal
10 level arrests for which the department establishes that the individual
11 was released on bail or on the individual's own recognizance
12 pending trial as needed to determine whether the applicant may
13 be issued the permit. Requests for federal level criminal offender
14 record information received by the Department of Justice pursuant
15 to this chapter shall be forwarded by the department to the Federal
16 Bureau of Investigation.

17 (b) The Department of Justice shall review the criminal offender
18 record information specified in subdivision (l) of Section 11105
19 for entertainment firearms permit applicants.

20 (c) The Department of Justice shall review subsequent arrests,
21 pursuant to Section 11105.2, to determine the continuing validity
22 of the permit as specified in Section 29530 for all entertainment
23 firearms permitholders.

24 29525. Any person who furnishes a fictitious name or address
25 or knowingly furnishes any incorrect information or knowingly
26 omits any information required to be provided on an application
27 for an entertainment firearms permit is guilty of a misdemeanor.

28 29530. (a) An entertainment firearms permit issued by the
29 Department of Justice shall be valid for one year from the date of
30 issuance.

31 (b) If at any time during that year the permitholder becomes
32 prohibited from possessing or receiving firearms pursuant to any
33 federal, state, or local law, the entertainment firearms permit shall
34 be no longer valid.

35 29535. The implementation of Sections 29500, 29505, 29515,
36 29520, and 29525, and of subdivision (a) of Section 29510, by the
37 department is exempt from the Administrative Procedure Act
38 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
39 Division 3 of Title 2 of the Government Code).

DIVISION 9. SPECIAL FIREARM RULES RELATING TO
PARTICULAR PERSONS

CHAPTER 1. JUVENILE

Article 1. Possession of Handgun

29610. A minor shall not possess a pistol, revolver, or other firearm capable of being concealed upon the person.

29615. Section 29610 shall not apply if one of the following circumstances exists:

(a) The minor is accompanied by a parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves this use of a firearm.

(b) The minor is accompanied by a responsible adult, the minor has the prior written consent of a parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(c) The minor is at least 16 years of age, the minor has the prior written consent of a parent or legal guardian and the minor is actively engaged in, or is in direct transit to or from, a lawful recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(d) The minor has the prior written consent of a parent or legal guardian, the minor is on lands owned or lawfully possessed by the parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

Article 2. Possession of Live Ammunition

29650. A minor shall not possess live ammunition.

29655. Section 29650 shall not apply if one of the following circumstances exists:

(a) The minor has the written consent of a parent or legal guardian to possess live ammunition.

(b) The minor is accompanied by a parent or legal guardian.

(c) The minor is actively engaged in, or is going to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, the nature of which involves the use of a firearm.

Article 3. Punishment

29700. Every minor who violates this chapter shall be punished as follows:

(a) By imprisonment in the state prison or in a county jail if one of the following applies:

(1) The minor has been found guilty previously of violating this chapter.

(2) The minor has been found guilty previously of an offense specified in Section 29905, 32625, or 33410, or an offense specified in any provision listed in Section 16590.

(3) The minor has been found guilty of a violation of Section 29610.

(b) Violations of this chapter other than those violations specified in subdivision (a) shall be punishable as a misdemeanor.

29705. In a proceeding to enforce this chapter brought pursuant to Article 14 (commencing with Section 601) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, the court may require the custodial parent or legal guardian of a minor who violates this chapter to participate in classes on parenting education that meet the requirements established in Section 16507.7 of the Welfare and Institutions Code.

Article 4. Legislative Intent

29750. In enacting the amendments to former Sections 12078 and 12101 by Section 10 of Chapter 33 of the Statutes of 1994,

1 First Extraordinary Session, it was not the intent of the Legislature
2 to expand or narrow the application of the then-existing statutory
3 and judicial authority as to the rights of minors to be loaned or to
4 possess live ammunition or a firearm for the purpose of self-defense
5 or the defense of others.

6
7 CHAPTER 2. PERSON CONVICTED OF SPECIFIED OFFENSE,
8 ADDICTED TO NARCOTIC, OR SUBJECT TO COURT ORDER

9
10 Article 1. Prohibitions on Firearm Access

11
12 29800. (a) (1) Any person who has been convicted of a felony
13 under the laws of the United States, the State of California, or any
14 other state, government, or country, or of an offense enumerated
15 in subdivision (a), (b), or (d) of Section 23515, or who is addicted
16 to the use of any narcotic drug, and who owns, purchases, receives,
17 or has in possession or under custody or control any firearm is
18 guilty of a felony.

19 (2) Any person who has two or more convictions for violating
20 paragraph (2) of subdivision (a) of Section 417 and who owns,
21 purchases, receives, or has in possession or under custody or
22 control any firearm is guilty of a felony.

23 (b) Notwithstanding subdivision (a), any person who has been
24 convicted of a felony or of an offense enumerated in Section 23515,
25 when that conviction results from certification by the juvenile court
26 for prosecution as an adult in an adult court under Section 707 of
27 the Welfare and Institutions Code, and who owns or has in
28 possession or under custody or control any firearm is guilty of a
29 felony.

30 (c) Subdivision (a) shall not apply to a person who has been
31 convicted of a felony under the laws of the United States unless
32 either of the following criteria is satisfied:

33 (1) Conviction of a like offense under California law can only
34 result in imposition of felony punishment.

35 (2) The defendant was sentenced to a federal correctional facility
36 for more than 30 days, or received a fine of more than one thousand
37 dollars (\$1,000), or received both punishments.

38 29805. Except as provided in Section 29855 or subdivision (a)
39 of Section 29800, any person who has been convicted of a
40 misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140,

1 subdivision (d) of Section 148, Section 171b, 171c, 171d, 186.28,
2 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5,
3 273.6, 417, 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of
4 former Section 12100, as that section read at any time from when
5 it was enacted by Section 3 of Chapter 1386 of the Statutes of 1988
6 to when it was repealed by Section 18 of Chapter 23 of the Statutes
7 of 1994, Section 17500, 17510, 25300, 25800, 30315, or 32625,
8 subdivision (b) or (d) of Section 26100, or Section 27510, or
9 Section 8100, 8101, or 8103 of the Welfare and Institutions Code,
10 any firearm-related offense pursuant to Sections 871.5 and 1001.5
11 of the Welfare and Institutions Code, or of the conduct punished
12 in subdivision (c) of Section 27590, and who, within 10 years of
13 the conviction, owns, purchases, receives, or has in possession or
14 under custody or control, any firearm is guilty of a public offense,
15 which shall be punishable by imprisonment in a county jail not
16 exceeding one year or in the state prison, by a fine not exceeding
17 one thousand dollars (\$1,000), or by both that imprisonment and
18 fine. The court, on forms prescribed by the Department of Justice,
19 shall notify the department of persons subject to this section.
20 However, the prohibition in this section may be reduced,
21 eliminated, or conditioned as provided in Section 29855 or 29860.
22 29810. (a) For any person who is subject to Section 29800 or
23 29805, the court shall, at the time judgment is imposed, provide
24 on a form supplied by the Department of Justice, a notice to the
25 defendant prohibited by this chapter from owning, purchasing,
26 receiving, possessing, or having under custody or control, any
27 firearm. The notice shall inform the defendant of the prohibition
28 regarding firearms and include a form to facilitate the transfer of
29 firearms.
30 (b) Failure to provide the notice described in subdivision (a)
31 shall not be a defense to a violation of this chapter.
32 29815. (a) Any person who, as an express condition of
33 probation, is prohibited or restricted from owning, possessing,
34 controlling, receiving, or purchasing a firearm and who owns,
35 purchases, receives, or has in possession or under custody or
36 control, any firearm, but who is not subject to Section 29805 or
37 subdivision (a) of Section 29800, is guilty of a public offense,
38 which shall be punishable by imprisonment in a county jail not
39 exceeding one year or in the state prison, by a fine not exceeding

1 one thousand dollars (\$1,000), or by both that imprisonment and
2 fine.

3 (b) The court, on forms provided by the Department of Justice,
4 shall notify the department of persons subject to this section. The
5 notice shall include a copy of the order of probation and a copy of
6 any minute order or abstract reflecting the order and conditions of
7 probation.

8 29820. (a) This section applies to any person who satisfies
9 both of the following requirements:

10 (1) The person is alleged to have committed an offense listed
11 in subdivision (b) of Section 707 of the Welfare and Institutions
12 Code, an offense described in subdivision (b) of Section 1203.073,
13 any offense enumerated in Section 29805, or any offense described
14 in Section 25850, subdivision (a) of Section 25400, or subdivision
15 (a) of Section 26100.

16 (2) The person is subsequently adjudged a ward of the juvenile
17 court within the meaning of Section 602 of the Welfare and
18 Institutions Code because the person committed an offense listed
19 in subdivision (b) of Section 707 of the Welfare and Institutions
20 Code, an offense described in subdivision (b) of Section 1203.073,
21 any offense enumerated in Section 29805, or any offense described
22 in Section 25850, subdivision (a) of Section 25400, or subdivision
23 (a) of Section 26100.

24 (b) Any person described in subdivision (a) shall not own, or
25 have in possession or under custody or control, any firearm until
26 the age of 30 years.

27 (c) A violation of this section shall be punishable by
28 imprisonment in a county jail not exceeding one year or in the
29 state prison, by a fine not exceeding one thousand dollars (\$1,000),
30 or by both that imprisonment and fine.

31 (d) The juvenile court, on forms prescribed by the Department
32 of Justice, shall notify the department of persons subject to this
33 section. Notwithstanding any other law, the forms required to be
34 submitted to the department pursuant to this section may be used
35 to determine eligibility to acquire a firearm.

36 29825. (a) Every person who purchases or receives, or attempts
37 to purchase or receive, a firearm knowing that the person is
38 prohibited from doing so by a temporary restraining order or
39 injunction issued pursuant to Section 527.6 or 527.8 of the Code
40 of Civil Procedure, a protective order as defined in Section 6218

1 of the Family Code, a protective order issued pursuant to Section
2 136.2 or 646.91 of this code, or a protective order issued pursuant
3 to Section 15657.03 of the Welfare and Institutions Code, is guilty
4 of a public offense, which shall be punishable by imprisonment
5 in a county jail not exceeding one year or in the state prison, by a
6 fine not exceeding one thousand dollars (\$1,000), or by both that
7 imprisonment and fine.

8 (b) Every person who owns or possesses a firearm knowing that
9 the person is prohibited from doing so by a temporary restraining
10 order or injunction issued pursuant to Section 527.6 or 527.8 of
11 the Code of Civil Procedure, a protective order as defined in
12 Section 6218 of the Family Code, a protective order issued pursuant
13 to Section 136.2 or 646.91 of this code, or a protective order issued
14 pursuant to Section 15657.03 of the Welfare and Institutions Code,
15 is guilty of a public offense, which shall be punishable by
16 imprisonment in a county jail not exceeding one year, by a fine
17 not exceeding one thousand dollars (\$1,000), or by both that
18 imprisonment and fine.

19 (c) If probation is granted upon conviction of a violation of this
20 section, the court shall impose probation consistent with Section
21 1203.097.

22 (d) The Judicial Council shall provide notice on all protective
23 orders that the respondent is prohibited from owning, possessing,
24 purchasing, receiving, or attempting to purchase or receive a
25 firearm while the protective order is in effect. The order shall also
26 state that the firearm shall be relinquished to the local law
27 enforcement agency for that jurisdiction or sold to a licensed gun
28 dealer, and that proof of surrender or sale shall be filed within a
29 specified time of receipt of the order. The order shall state the
30 penalties for a violation of the prohibition. The order shall also
31 state on its face the expiration date for relinquishment.

32 Article 2. Exemption or Petition for Relief

33
34 29850. (a) A violation of Section 29800, 29805, 29815, or
35 29820 is justifiable where all of the following conditions are met:

36 (1) The person found the firearm or took the firearm from a
37 person who was committing a crime against the person who found
38 or took the firearm.
39

1 (2) The person possessed the firearm no longer than was
2 necessary to deliver or transport the firearm to a law enforcement
3 agency for that agency's disposition according to law.

4 (3) If the firearm was transported to a law enforcement agency,
5 it was transported in accordance with subdivision (b) of Section
6 25570.

7 (4) If the firearm is being transported to a law enforcement
8 agency, the person transporting the firearm has given prior notice
9 to the law enforcement agency that the person is transporting the
10 firearm to the law enforcement agency for disposition according
11 to law.

12 (b) Upon the trial for violating Section 29800, 29805, 29815,
13 or 29820, the trier of fact shall determine whether the defendant
14 was acting within the provisions of the exemption created by this
15 section.

16 (c) The defendant has the burden of proving by a preponderance
17 of the evidence that the defendant comes within the provisions of
18 the exemption created by this section.

19 29855. (a) Any person employed as a peace officer described
20 in Section 830.1, 830.2, 830.31, 830.32, 830.33, or 830.5 whose
21 employment or livelihood is dependent on the ability to legally
22 possess a firearm, who is subject to the prohibition imposed by
23 Section 29805 because of a conviction under Section 273.5, 273.6,
24 or 646.9, may petition the court only once for relief from this
25 prohibition.

26 (b) The petition shall be filed with the court in which the
27 petitioner was sentenced. If possible, the matter shall be heard
28 before the same judge who sentenced the petitioner.

29 (c) Upon filing the petition, the clerk of the court shall set the
30 hearing date and shall notify the petitioner and the prosecuting
31 attorney of the date of the hearing.

32 (d) Upon making each of the following findings, the court may
33 reduce or eliminate the prohibition, impose conditions on reduction
34 or elimination of the prohibition, or otherwise grant relief from
35 the prohibition as the court deems appropriate:

36 (1) Finds by a preponderance of the evidence that the petitioner
37 is likely to use a firearm in a safe and lawful manner.

38 (2) Finds that the petitioner is not within a prohibited class as
39 specified in Section 29815, 29820, 29825, or 29900, or subdivision
40 (a) or (b) of Section 29800, and the court is not presented with any

1 credible evidence that the petitioner is a person described in Section
2 8100 or 8103 of the Welfare and Institutions Code.

3 (3) Finds that the petitioner does not have a previous conviction
4 under Section 29805 no matter when the prior conviction occurred.

5 (e) In making its decision, the court shall consider the
6 petitioner's continued employment, the interest of justice, any
7 relevant evidence, and the totality of the circumstances. The court
8 shall require, as a condition of granting relief from the prohibition
9 under Section 29805, that the petitioner agree to participate in
10 counseling as deemed appropriate by the court. Relief from the
11 prohibition shall not relieve any other person or entity from any
12 liability that might otherwise be imposed. It is the intent of the
13 Legislature that courts exercise broad discretion in fashioning
14 appropriate relief under this section in cases in which relief is
15 warranted. However, nothing in this section shall be construed to
16 require courts to grant relief to any particular petitioner. It is the
17 intent of the Legislature to permit persons who were convicted of
18 an offense specified in Section 273.5, 273.6, or 646.9 to seek relief
19 from the prohibition imposed by Section 29805.

20 29860. (a) Any person who is subject to the prohibition
21 imposed by Section 29805 because of a conviction of an offense
22 prior to that offense being added to Section 29805 may petition
23 the court only once for relief from this prohibition.

24 (b) The petition shall be filed with the court in which the
25 petitioner was sentenced. If possible, the matter shall be heard
26 before the same judge that sentenced the petitioner.

27 (c) Upon filing the petition, the clerk of the court shall set the
28 hearing date and notify the petitioner and the prosecuting attorney
29 of the date of the hearing.

30 (d) Upon making each of the following findings, the court may
31 reduce or eliminate the prohibition, impose conditions on reduction
32 or elimination of the prohibition, or otherwise grant relief from
33 the prohibition as the court deems appropriate:

34 (1) Finds by a preponderance of the evidence that the petitioner
35 is likely to use a firearm in a safe and lawful manner.

36 (2) Finds that the petitioner is not within a prohibited class as
37 specified in Section 29815, 29820, 29825, or 29900, or subdivision
38 (a) or (b) of Section 29800, and the court is not presented with any
39 credible evidence that the petitioner is a person described in Section
40 8100 or 8103 of the Welfare and Institutions Code.

1 (3) Finds that the petitioner does not have a previous conviction
2 under Section 29805, no matter when the prior conviction occurred.

3 (e) In making its decision, the court may consider the interest
4 of justice, any relevant evidence, and the totality of the
5 circumstances. It is the intent of the Legislature that courts exercise
6 broad discretion in fashioning appropriate relief under this section
7 in cases in which relief is warranted. However, nothing in this
8 section shall be construed to require courts to grant relief to any
9 particular petitioner.

10 29865. Law enforcement officials who enforce the prohibition
11 specified in Section 29805 against a person who has been granted
12 relief pursuant to Section 29855 or 29860 shall be immune from
13 any liability for false arrest arising from the enforcement of Section
14 29805 unless the person has in possession a certified copy of the
15 court order that granted the person relief from the prohibition. This
16 immunity from liability shall not relieve any person or entity from
17 any other liability that might otherwise be imposed.

18
19 Article 3. Miscellaneous Provisions
20

21 29875. Subject to available funding, the Attorney General,
22 working with the Judicial Council, the California Alliance Against
23 Domestic Violence, prosecutors, and law enforcement, probation,
24 and parole officers, shall develop a protocol for the implementation
25 of the provisions of Section 12021, as it reads in Section 2 of
26 Chapter 830 of the Statutes of 2002, and as later amended at any
27 time before completion of the protocol. The protocol shall be
28 designed to facilitate the enforcement of restrictions on firearm
29 ownership, including provisions for giving notice to defendants
30 who are restricted, provisions for informing those defendants of
31 the procedures by which defendants shall dispose of firearms when
32 required to do so, provisions explaining how defendants shall
33 provide proof of the lawful disposition of firearms, and provisions
34 explaining how defendants may obtain possession of seized
35 firearms when legally permitted to do so pursuant to any provision
36 of law. The protocol shall be completed on or before January 1,
37 2005.

CHAPTER 3. PERSON CONVICTED OF VIOLENT OFFENSE

29900. (a) (1) Notwithstanding subdivision (a) of Section 29800, any person who has been previously convicted of any of the offenses listed in Section 29905 and who owns or has in possession or under custody or control any firearm is guilty of a felony.

(2) A dismissal of an accusatory pleading pursuant to Section 1203.4a involving an offense set forth in Section 29905 does not affect the finding of a previous conviction.

(3) If probation is granted, or if the imposition or execution of sentence is suspended, it shall be a condition of the probation or suspension that the defendant serve at least six months in a county jail.

(b) (1) Any person previously convicted of any of the offenses listed in Section 29905 which conviction results from certification by the juvenile court for prosecution as an adult in adult court under the provisions of Section 707 of the Welfare and Institutions Code, who owns or has in possession or under custody or control any firearm, is guilty of a felony.

(2) If probation is granted, or if the imposition or execution of sentence is suspended, it shall be a condition of the probation or suspension that the defendant serve at least six months in a county jail.

(c) The court shall apply the minimum sentence as specified in subdivisions (a) and (b) except in unusual cases where the interests of justice would best be served by granting probation or suspending the imposition or execution of sentence without the imprisonment required by subdivisions (a) and (b), or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in subdivisions (a) and (b), in which case the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by the disposition.

29905. (a) As used in this chapter, a violent offense includes any of the following:

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.
- (3) Rape.

- 1 (4) Sodomy by force, violence, duress, menace, or threat of
2 great bodily harm.
- 3 (5) Oral copulation by force, violence, duress, menace, or threat
4 of great bodily harm.
- 5 (6) Lewd acts on a child under the age of 14 years.
- 6 (7) Any felony punishable by death or imprisonment in the state
7 prison for life.
- 8 (8) Any other felony in which the defendant inflicts great bodily
9 injury on any person, other than an accomplice, that has been
10 charged and proven, or any felony in which the defendant uses a
11 firearm which use has been charged and proven.
- 12 (9) Attempted murder.
- 13 (10) Assault with intent to commit rape or robbery.
- 14 (11) Assault with a deadly weapon or instrument on a peace
15 officer.
- 16 (12) Assault by a life prisoner on a noninmate.
- 17 (13) Assault with a deadly weapon by an inmate.
- 18 (14) Arson.
- 19 (15) Exploding a destructive device or any explosive with intent
20 to injure.
- 21 (16) Exploding a destructive device or any explosive causing
22 great bodily injury.
- 23 (17) Exploding a destructive device or any explosive with intent
24 to murder.
- 25 (18) Robbery.
- 26 (19) Kidnapping.
- 27 (20) Taking of a hostage by an inmate of a state prison.
- 28 (21) Attempt to commit a felony punishable by death or
29 imprisonment in the state prison for life.
- 30 (22) Any felony in which the defendant personally used a
31 dangerous or deadly weapon.
- 32 (23) Escape from a state prison by use of force or violence.
- 33 (24) Assault with a deadly weapon or force likely to produce
34 great bodily injury.
- 35 (25) Any felony violation of Section 186.22.
- 36 (26) Any offense enumerated in subdivision (a), (b), or (d) of
37 Section 23515.
- 38 (27) Carjacking.

1 (28) Any offense enumerated in subdivision (c) of Section 23515
2 if the person has two or more convictions for violating paragraph
3 (2) of subdivision (a) of Section 417.

4 (b) As used in this chapter, a violent offense also includes any
5 attempt to commit a crime listed in subdivision (a) other than an
6 assault.

7
8 CHAPTER 4. PROHIBITED ARMED PERSONS FILE
9

10 30000. (a) The Attorney General shall establish and maintain
11 an online database to be known as the Prohibited Armed Persons
12 File. The purpose of the file is to cross-reference persons who have
13 ownership or possession of a firearm on or after January 1, 1991,
14 as indicated by a record in the Consolidated Firearms Information
15 System, and who, subsequent to the date of that ownership or
16 possession of a firearm, fall within a class of persons who are
17 prohibited from owning or possessing a firearm.

18 (b) The information contained in the Prohibited Armed Persons
19 File shall only be available to those entities specified in, and
20 pursuant to, subdivision (b) or (c) of Section 11105, through the
21 California Law Enforcement Telecommunications System, for the
22 purpose of determining if persons are armed and prohibited from
23 possessing firearms.

24 30005. The Prohibited Armed Persons File database shall
25 function as follows:

26 (a) Upon entry into the Automated Criminal History System of
27 a disposition for a conviction of any felony, a conviction for any
28 firearms-prohibiting charge specified in Chapter 2 (commencing
29 with Section 29800), a conviction for an offense described in
30 Chapter 3 (commencing with Section 29900), a firearms prohibition
31 pursuant to Section 8100 or 8103 of the Welfare and Institutions
32 Code, or any firearms possession prohibition identified by the
33 federal National Instant Criminal Background Check System, the
34 Department of Justice shall determine if the subject has an entry
35 in the Consolidated Firearms Information System indicating
36 possession or ownership of a firearm on or after January 1, 1991,
37 or an assault weapon registration, or a .50 BMG rifle registration.

38 (b) Upon an entry into any department automated information
39 system that is used for the identification of persons who are
40 prohibited by state or federal law from acquiring, owning, or

1 possessing firearms, the department shall determine if the subject
2 has an entry in the Consolidated Firearms Information System
3 indicating ownership or possession of a firearm on or after January
4 1, 1991, or an assault weapon registration, or a .50 BMG rifle
5 registration.

6 (c) If the department determines that, pursuant to subdivision
7 (a) or (b), the subject has an entry in the Consolidated Firearms
8 Information System indicating possession or ownership of a firearm
9 on or after January 1, 1991, or an assault weapon registration, or
10 a .50 BMG rifle registration, the following information shall be
11 entered into the Prohibited Armed Persons File:

12 (1) The subject's name.

13 (2) The subject's date of birth.

14 (3) The subject's physical description.

15 (4) Any other identifying information regarding the subject that
16 is deemed necessary by the Attorney General.

17 (5) The basis of the firearms possession prohibition.

18 (6) A description of all firearms owned or possessed by the
19 subject, as reflected by the Consolidated Firearms Information
20 System.

21 30010. The Attorney General shall provide investigative
22 assistance to local law enforcement agencies to better ensure the
23 investigation of individuals who are armed and prohibited from
24 possessing a firearm.

26 CHAPTER 5. FIREARMS ELIGIBILITY CHECK

28 Article 1. Firearms Eligibility Check

30 30105. (a) An individual may request that the Department of
31 Justice perform a firearms eligibility check for that individual. The
32 applicant requesting the eligibility check shall provide the
33 information required by Section 28165 to the department, in an
34 application specified by the department.

35 (b) The department shall charge a fee of twenty dollars (\$20)
36 for performing the eligibility check authorized by this section, but
37 not to exceed the actual processing costs of the department. After
38 the department establishes fees sufficient to reimburse the
39 department for processing costs, fees charged may increase at a
40 rate not to exceed the legislatively approved cost-of-living

1 adjustment for the department's budget or as otherwise increased
2 through the Budget Act.

3 (c) An applicant for the eligibility check pursuant to subdivision
4 (a) shall complete the application, have it notarized by any licensed
5 California Notary Public, and submit it by mail to the department.

6 (d) Upon receipt of a notarized application and fee, the
7 department shall do all of the following:

8 (1) Examine its records, and the records it is authorized to
9 request from the State Department of Mental Health pursuant to
10 Section 8104 of the Welfare and Institutions Code, to determine
11 if the purchaser is prohibited by state or federal law from
12 possessing, receiving, owning, or purchasing a firearm.

13 (2) Notify the applicant by mail of its determination of whether
14 the applicant is prohibited by state or federal law from possessing,
15 receiving, owning, or purchasing a firearm. The department's
16 notification shall state either "eligible to possess firearms as of the
17 date the check was completed" or "ineligible to possess firearms
18 as of the date the check was completed."

19 (e) If the department determines that the information submitted
20 to it in the application contains any blank spaces, or inaccurate,
21 illegible, or incomplete information, preventing identification of
22 the applicant, or if the required fee is not submitted, the department
23 shall not be required to perform the firearms eligibility check.

24 (f) The department shall make applications to conduct a firearms
25 eligibility check as described in this section available to licensed
26 firearms dealers and on the department's Web site.

27 (g) The department shall be immune from any liability arising
28 out of the performance of the firearms eligibility check, or any
29 reliance upon the firearms eligibility check.

30 (h) No person or agency may require or request another person
31 to obtain a firearms eligibility check or notification of a firearms
32 eligibility check pursuant to this section. A violation of this
33 subdivision is a misdemeanor.

34 (i) The department shall include on the application specified in
35 subdivision (a) and the notification of eligibility specified in
36 subdivision (d) the following statements:

37 "No person or agency may require or request another person to
38 obtain a firearms eligibility check or notification of firearms
39 eligibility check pursuant to Section 30105 of the Penal Code. A
40 violation of these provisions is a misdemeanor."

1 “If the applicant for a firearms eligibility check purchases,
2 transfers, or receives a firearm through a licensed dealer as required
3 by law, a waiting period and background check are both required.”
4

5 Article 2. Exceptions Relating to Law Enforcement
6

7 30150. (a) Section 30105 does not apply to any sale, delivery,
8 or transfer of firearms made to an authorized law enforcement
9 representative of any city, county, city and county, or state, or of
10 the federal government, for exclusive use by that governmental
11 agency if, prior to the sale, delivery, or transfer of these firearms,
12 written authorization from the head of the agency authorizing the
13 transaction is presented to the person from whom the purchase,
14 delivery, or transfer is being made.

15 (b) Proper written authorization is defined as verifiable written
16 certification from the head of the agency by which the purchaser
17 or transferee is employed, identifying the employee as an individual
18 authorized to conduct the transaction, and authorizing the
19 transaction for the exclusive use of the agency by which that person
20 is employed.

21 (c) Within 10 days of the date a handgun is acquired by the
22 agency, a record of the same shall be entered as an institutional
23 weapon into the Automated Firearms System (AFS) via the
24 California Law Enforcement Telecommunications System
25 (CLETS) by the law enforcement or state agency. Any agency
26 without access to AFS shall arrange with the sheriff of the county
27 in which the agency is located to input this information via this
28 system.

29 30155. Section 30105 does not apply to the loan of a firearm
30 if all of the following conditions are satisfied:

31 (a) The loan is made by an authorized law enforcement
32 representative of a city, county, or city and county, or of the state
33 or federal government.

34 (b) The loan is made to a peace officer employed by that agency
35 and authorized to carry a firearm.

36 (c) The loan is made for the carrying and use of that firearm by
37 that peace officer in the course and scope of the officer’s duties.

38 30160. (a) Section 30105 does not apply to the sale, delivery,
39 or transfer of a firearm by a law enforcement agency to a peace
40 officer pursuant to Section 10334 of the Public Contract Code.

(b) Within 10 days of the date that a handgun is sold, delivered, or transferred pursuant to Section 10334 of the Public Contract Code to that peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency that sold, delivered, or transferred the firearm. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

30165. (a) Section 30105 does not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a retiring peace officer who is authorized to carry a firearm pursuant to Chapter 5 (commencing with Section 26300) of Division 5.

(b) Within 10 days of the date that a handgun is sold, delivered, or transferred to that retiring peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency that sold, delivered, or transferred the firearm. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

DIVISION 10. SPECIAL RULES RELATING TO
PARTICULAR TYPES OF FIREARMS OR FIREARM
EQUIPMENT

CHAPTER 1. AMMUNITION

Article 1. Flechette Dart Ammunition or Bullet Containing or
Carrying an Explosive Agent

30210. Except as provided in Section 30215 and Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses either of the following is

1 punishable by imprisonment in a county jail not exceeding one
2 year or in the state prison:

3 (a) Any ammunition that contains or consists of any flechette
4 dart.

5 (b) Any bullet containing or carrying an explosive agent.

6 30215. Section 30210 does not apply to tracer ammunition
7 manufactured for use in a shotgun.

8 30290. Except as provided in Section 30215 and in Chapter 1
9 (commencing with Section 17700) of Division 2 of Title 2, any
10 ammunition that contains or consists of any flechette dart, or any
11 bullet containing or carrying an explosive agent, is a nuisance and
12 is subject to Section 18010.

13
14 Article 2. Other Restrictions Relating to Ammunition
15

16 30300. (a) Any person, corporation, or dealer who does any
17 of the following shall be punished by imprisonment in a county
18 jail for a term not to exceed six months, or by a fine not to exceed
19 one thousand dollars (\$1,000), or by both the imprisonment and
20 fine:

21 (1) Sells any ammunition or reloaded ammunition to a person
22 under 18 years of age.

23 (2) Sells any ammunition or reloaded ammunition designed and
24 intended for use in a handgun to a person under 21 years of age.
25 Where ammunition or reloaded ammunition may be used in both
26 a rifle and a handgun, it may be sold to a person who is at least 18
27 years of age, but less than 21 years of age, if the vendor reasonably
28 believes that the ammunition is being acquired for use in a rifle
29 and not a handgun.

30 (3) Supplies, delivers, or gives possession of any ammunition
31 to any minor who the person, corporation, or dealer knows, or
32 using reasonable care should know, is prohibited from possessing
33 that ammunition at that time pursuant to Chapter 1 (commencing
34 with Section 29610) of Division 9 of Title 4 of Part 6.

35 (b) Proof that a person, corporation, or dealer, or his or her agent
36 or employee, demanded, was shown, and acted in reasonable
37 reliance upon, bona fide evidence of majority and identity shall
38 be a defense to any criminal prosecution under this section.

39 30305. (a) (1) No person prohibited from owning or
40 possessing a firearm under Chapter 2 (commencing with Section

1 29800) or Chapter 3 (commencing with Section 29900) of Division
2 9 of this title, or Section 8100 or 8103 of the Welfare and
3 Institutions Code, shall own, possess, or have under custody or
4 control, any ammunition or reloaded ammunition.

5 (2) A violation of this subdivision is punishable by imprisonment
6 in a county jail not to exceed one year or in the state prison, by a
7 fine not to exceed one thousand dollars (\$1,000), or by both the
8 fine and imprisonment.

9 (b) (1) A person who is not prohibited by subdivision (a) from
10 owning, possessing, or having under the person's custody or
11 control, any ammunition or reloaded ammunition, but who is
12 enjoined from engaging in activity pursuant to an injunction issued
13 pursuant to Section 3479 of the Civil Code against that person as
14 a member of a criminal street gang, as defined in Section 186.22,
15 may not own, possess, or have under the person's custody or
16 control, any ammunition or reloaded ammunition.

17 (2) A violation of this subdivision is a misdemeanor.

18 (c) A violation of subdivision (a) or (b) is justifiable where all
19 of the following conditions are met:

20 (1) The person found the ammunition or reloaded ammunition
21 or took the ammunition or reloaded ammunition from a person
22 who was committing a crime against the person who found or took
23 the ammunition or reloaded ammunition.

24 (2) The person possessed the ammunition or reloaded
25 ammunition no longer than was necessary to deliver or transport
26 the ammunition or reloaded ammunition to a law enforcement
27 agency for that agency's disposition according to law.

28 (3) The person is prohibited from possessing any ammunition
29 or reloaded ammunition solely because that person is prohibited
30 from owning or possessing a firearm only by virtue of Chapter 2
31 (commencing with Section 29800) of Division 9 or ammunition
32 or reloaded ammunition because of subdivision (b).

33 (d) Upon the trial for violating subdivision (a) or (b), the trier
34 of fact shall determine whether the defendant is subject to the
35 exemption created by subdivision (c). The defendant has the burden
36 of proving by a preponderance of the evidence that the defendant
37 is subject to the exemption provided by subdivision (c).

38 30306. (a) Any person, corporation, or firm who supplies,
39 delivers, sells, or gives possession or control of, any ammunition
40 to any person who he or she knows or using reasonable care should

1 know is prohibited from owning, possessing, or having under
2 custody or control, any ammunition or reloaded ammunition
3 pursuant to subdivision (a) or (b) of Section 30305, is guilty of a
4 misdemeanor, punishable by imprisonment in a county jail not
5 exceeding one year, or a fine not exceeding one thousand dollars
6 (\$1,000), or by both that fine and imprisonment.

7 (b) The provisions of this section are cumulative and shall not
8 be construed as restricting the application of any other law.
9 However, an act or omission punishable in different ways by this
10 section and another provision of law shall not be punished under
11 more than one provision.

12 30310. (a) Unless it is with the written permission of the school
13 district superintendent, the superintendent's designee, or equivalent
14 school authority, no person shall carry ammunition or reloaded
15 ammunition onto school grounds, except sworn law enforcement
16 officers acting within the scope of their duties or persons exempted
17 under Section 25450.

18 (b) This section shall not apply to any of the following:

19 (1) A duly appointed peace officer as defined in Chapter 4.5
20 (commencing with Section 830) of Title 3 of Part 2.

21 (2) A full-time paid peace officer of another state or the federal
22 government who is carrying out official duties while in California.

23 (3) Any person summoned by any of these officers to assist in
24 making an arrest or preserving the peace while that person is
25 actually engaged in assisting the officer.

26 (4) A member of the military forces of this state or of the United
27 States who is engaged in the performance of that person's duties.

28 (5) A person holding a valid license to carry the firearm pursuant
29 to Chapter 4 (commencing with Section 26150) of Division 5.

30 (6) An armored vehicle guard, who is engaged in the
31 performance of that person's duties, as defined in subdivision (d)
32 of Section 7582.1 of the Business and Professions Code.

33 (c) A violation of this section is punishable by imprisonment
34 in a county jail for a term not to exceed six months, a fine not to
35 exceed one thousand dollars (\$1,000), or both the imprisonment
36 and fine.

37 30312. (a) Commencing February 1, 2011, the delivery or
38 transfer of ownership of handgun ammunition may only occur in
39 a face-to-face transaction with the deliverer or transferor being

1 provided bona fide evidence of identity from the purchaser or other
2 transferee.

3 (b) Subdivision (a) shall not apply to or affect the sale, delivery,
4 or transfer of handgun ammunition to any of the following:

5 (1) An authorized law enforcement representative of a city,
6 county, city and county, or state or federal government, if the sale,
7 delivery, or transfer is for exclusive use by that government agency
8 and, prior to the sale, delivery, or transfer of the handgun
9 ammunition, written authorization from the head of the agency
10 employing the purchaser or transferee is obtained, identifying the
11 employee as an individual authorized to conduct the transaction,
12 and authorizing the transaction for the exclusive use of the agency
13 employing the individual.

14 (2) A sworn peace officer, as defined in Chapter 4.5
15 (commencing with Section 830) of Title 3 of Part 2 who is
16 authorized to carry a firearm in the course and scope of the officer's
17 duties.

18 (3) An importer or manufacturer of handgun ammunition or
19 firearms who is licensed to engage in business pursuant to Chapter
20 44 (commencing with Section 921) of Title 18 of the United States
21 Code and the regulations issued pursuant thereto.

22 (4) A person who is on the centralized list maintained by the
23 Department of Justice pursuant to Article 6 (commencing with
24 Section 28450) of Chapter 6 of Division 6 of this title.

25 (5) A person whose licensed premises are outside this state and
26 who is licensed as a dealer or collector of firearms pursuant to
27 Chapter 44 (commencing with Section 921) of Title 18 of the
28 United States Code and the regulations issued pursuant thereto.

29 (6) A person who is licensed as a collector of firearms pursuant
30 to Chapter 44 (commencing with Section 921) of Title 18 of the
31 United States Code and the regulations issued pursuant thereto,
32 whose licensed premises are within this state, and who has a current
33 certificate of eligibility issued by the Department of Justice
34 pursuant to Section 26710.

35 (7) A handgun ammunition vendor.

36 (8) A consultant-evaluator.

37 (c) A violation of this section is a misdemeanor.

38 30315. Any person, firm, or corporation who, within this state
39 knowingly possesses any handgun ammunition designed primarily
40 to penetrate metal or armor is guilty of a public offense and upon

1 conviction thereof shall be punished by imprisonment in the state
2 prison, or in the county jail for a term not to exceed one year, or
3 by a fine not to exceed five thousand dollars (\$5,000), or by both
4 that fine and imprisonment.

5 30320. Any person, firm, or corporation who, within this state,
6 manufactures, imports, sells, offers to sell, or knowingly transports
7 any handgun ammunition designed primarily to penetrate metal
8 or armor is guilty of a felony and upon conviction thereof shall be
9 punished by imprisonment in state prison, or by a fine not to exceed
10 five thousand dollars (\$5,000), or by both that fine and
11 imprisonment.

12 30325. Nothing in this article shall apply to or affect the
13 possession of handgun ammunition designed primarily to penetrate
14 metal or armor by a person who found the ammunition, if that
15 person is not prohibited from possessing firearms or ammunition
16 pursuant to subdivision (a) of Section 30305, Chapter 2
17 (commencing with Section 29800) or Chapter 3 (commencing with
18 Section 29900) of Division 9 of this title, or Section 8100 or 8103
19 of the Welfare and Institutions Code, and the person is transporting
20 the ammunition to a law enforcement agency for disposition
21 according to law.

22 30330. Nothing in this article shall apply to or affect the sale
23 to, purchase by, possession of, or use of any ammunition by any
24 member of the Army, Navy, Air Force, or Marine Corps of the
25 United States, or the National Guard, while on duty and acting
26 within the scope and course of employment, or any police agency
27 or forensic laboratory or any person who is the holder of a valid
28 permit issued pursuant to Article 3 (commencing with Section
29 18900) of Chapter 1 of Division 5 of Title 2.

30 30335. Nothing in this article shall prohibit the possession,
31 importation, sale, attempted sale, or transport of ammunition from
32 which the propellant has been removed and the primer has been
33 permanently deactivated.

34 30340. Nothing in this article shall prohibit the manufacture
35 of ammunition under contracts approved by agencies of the state
36 or federal government.

Article 3. Handgun Ammunition Vendors

30345. A vendor shall comply with all of the conditions, requirements, and prohibitions stated in this article.

30347. A vendor shall not permit any employee who the vendor knows or reasonably should know is a person described in Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title or Section 8100 or 8103 of the Welfare and Institutions Code to handle, sell, or deliver handgun ammunition in the course and scope of employment.

30350. A vendor shall not sell or otherwise transfer ownership of, offer for sale or otherwise offer to transfer ownership of, or display for sale or display for transfer of ownership of any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or an employee of the vendor.

30352. (a) Commencing February 1, 2011, a vendor shall not sell or otherwise transfer ownership of any handgun ammunition without, at the time of delivery, legibly recording the following information:

- (1) The date of the sale or other transaction.
 - (2) The purchaser's or transferee's driver's license or other identification number and the state in which it was issued.
 - (3) The brand, type, and amount of ammunition sold or otherwise transferred.
 - (4) The purchaser's or transferee's signature.
 - (5) The name of the salesperson who processed the sale or other transaction.
 - (6) The right thumbprint of the purchaser or transferee on the above form.
 - (7) The purchaser's or transferee's full residential address and telephone number.
 - (8) The purchaser's or transferee's date of birth.
- (b) Subdivision (a) shall not apply to or affect sales or other transfers of ownership of handgun ammunition by handgun ammunition vendors to any of the following, if properly identified:
- (1) A person licensed pursuant to Sections 26700 to 26915, inclusive.
 - (2) A handgun ammunition vendor.

1 (3) A person who is on the centralized list maintained by the
2 department pursuant to Article 6 (commencing with Section 28450)
3 of Chapter 6 of Division 6 of this title.

4 (4) A target facility that holds a business or regulatory license.

5 (5) A gunsmith.

6 (6) A wholesaler.

7 (7) A manufacturer or importer of firearms licensed pursuant
8 to Chapter 44 (commencing with Section 921) of Title 18 of the
9 United States Code, and the regulations issued pursuant thereto.

10 (8) An authorized law enforcement representative of a city,
11 county, city and county, or state or federal government, if the sale
12 or other transfer of ownership is for exclusive use by that
13 government agency, and, prior to the sale, delivery, or transfer of
14 the handgun ammunition, written authorization from the head of
15 the agency authorizing the transaction is presented to the person
16 from whom the purchase, delivery, or transfer is being made.
17 Proper written authorization is defined as verifiable written
18 certification from the head of the agency by which the purchaser,
19 transferee, or person otherwise acquiring ownership is employed,
20 identifying the employee as an individual authorized to conduct
21 the transaction, and authorizing the transaction for the exclusive
22 use of the agency by which that individual is employed.

23 30355. Commencing February 1, 2011, the records required
24 by this article shall be maintained on the premises of the vendor
25 for a period of not less than five years from the date of the recorded
26 transfer.

27 30357. (a) Commencing February 1, 2011, the records referred
28 to in Section 30352 shall be subject to inspection at any time during
29 normal business hours by any peace officer employed by a sheriff,
30 city police department, or district attorney as provided in
31 subdivision (a) of Section 830.1, or employed by the department
32 as provided in subdivision (b) of Section 830.1, provided that the
33 officer is conducting an investigation where access to those records
34 is or may be relevant, is seeking information about persons
35 prohibited from owning a firearm or ammunition, or is engaged
36 in ensuring compliance with the Dangerous Weapons Control Law,
37 as defined in Section 23500, or any other laws pertaining to
38 firearms or ammunition.

39 (b) The records referred to in Section 30352 shall also be subject
40 to inspection at any time during normal business hours by any

1 other employee of the department, provided that the employee is
2 conducting an investigation where access to those records is or
3 may be relevant, is seeking information about persons prohibited
4 from owning a firearm or ammunition, or is engaged in ensuring
5 compliance with the Dangerous Weapons Control Law, as defined
6 in Section 23500, or any other laws pertaining to firearms or
7 ammunition.

8 30360. Commencing February 1, 2011, a vendor shall not
9 knowingly make a false entry in, fail to make a required entry in,
10 fail to obtain the required thumbprint, or otherwise fail to maintain
11 in the required manner, records prepared in accordance with
12 Section 30352. If the right thumbprint is not available, then the
13 vendor shall have the purchaser or transferee use the left thumb,
14 or any available finger, and shall so indicate on the form.

15 30362. (a) Commencing February 1, 2011, no vendor shall,
16 during any inspection conducted pursuant to this article, refuse to
17 permit a person authorized under Section 30357 to examine any
18 record prepared in accordance with this article.

19 (b) Commencing February 1, 2011, no vendor shall refuse to
20 permit the use of any record or information by a person authorized
21 under Section 30357.

22 30365. (a) A violation of Section 30352, 30355, 30360, or
23 30362 is a misdemeanor.

24 (b) The provisions of this section are cumulative, and shall not
25 be construed as restricting the application of any other law.
26 However, an act or omission punishable in different ways by
27 different provisions of law shall not be punished under more than
28 one provision.

29 30 CHAPTER 2. ASSAULT WEAPONS AND .50 BMG RIFLES

31 32 Article 1. General Provisions

33
34 30500. This chapter shall be known as the Roberti-Roos Assault
35 Weapons Control Act of 1989 and the .50 Caliber BMG Regulation
36 Act of 2004.

37 30505. (a) The Legislature hereby finds and declares that the
38 proliferation and use of assault weapons poses a threat to the health,
39 safety, and security of all citizens of this state. The Legislature has
40 restricted the assault weapons specified in Section 30510 based

1 upon finding that each firearm has such a high rate of fire and
2 capacity for firepower that its function as a legitimate sports or
3 recreational firearm is substantially outweighed by the danger that
4 it can be used to kill and injure human beings. It is the intent of
5 the Legislature in enacting this chapter to place restrictions on the
6 use of assault weapons and to establish a registration and permit
7 procedure for their lawful sale and possession. It is not, however,
8 the intent of the Legislature by this chapter to place restrictions
9 on the use of those weapons which are primarily designed and
10 intended for hunting, target practice, or other legitimate sports or
11 recreational activities.

12 (b) The Legislature hereby finds and declares that the
13 proliferation and use of .50 BMG rifles poses a clear and present
14 terrorist threat to the health, safety, and security of all residents
15 of, and visitors to, this state, based upon findings that those firearms
16 have such a high capacity for long distance and highly destructive
17 firepower that they pose an unacceptable risk to the death and
18 serious injury of human beings, destruction or serious damage of
19 vital public and private buildings, civilian, police and military
20 vehicles, power generation and transmission facilities,
21 petrochemical production and storage facilities, and transportation
22 infrastructure. It is the intent of the Legislature in enacting this
23 chapter to place restrictions on the use of these rifles and to
24 establish a registration and permit procedure for their lawful sale
25 and possession.

26 30510. As used in this chapter and in Sections 16780, 17000,
27 and 27555, “assault weapon” means the following designated
28 semiautomatic firearms:

29 (a) All of the following specified rifles:

30 (1) All AK series including, but not limited to, the models
31 identified as follows:

32 (A) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S,
33 84S, and 86S.

34 (B) Norinco 56, 56S, 84S, and 86S.

35 (C) Poly Technologies AKS and AK47.

36 (D) MAADI AK47 and ARM.

37 (2) UZI and Galil.

38 (3) Beretta AR-70.

39 (4) CETME Sporter.

40 (5) Colt AR-15 series.

- 1 (6) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.
- 2 (7) Fabrique Nationale FAL, LAR, FNC, 308 Match, and
- 3 Sporter.
- 4 (8) MAS 223.
- 5 (9) HK-91, HK-93, HK-94, and HK-PSG-1.
- 6 (10) The following MAC types:
- 7 (A) RPB Industries Inc. sM10 and sM11.
- 8 (B) SWD Incorporated M11.
- 9 (11) SKS with detachable magazine.
- 10 (12) SIG AMT, PE-57, SG 550, and SG 551.
- 11 (13) Springfield Armory BM59 and SAR-48.
- 12 (14) Sterling MK-6.
- 13 (15) Steyer AUG.
- 14 (16) Valmet M62S, M71S, and M78S.
- 15 (17) Armalite AR-180.
- 16 (18) Bushmaster Assault Rifle.
- 17 (19) Calico M-900.
- 18 (20) J&R ENG M-68.
- 19 (21) Weaver Arms Nighthawk.
- 20 (b) All of the following specified pistols:
- 21 (1) UZI.
- 22 (2) Encom MP-9 and MP-45.
- 23 (3) The following MAC types:
- 24 (A) RPB Industries Inc. sM10 and sM11.
- 25 (B) SWD Incorporated M-11.
- 26 (C) Advance Armament Inc. M-11.
- 27 (D) Military Armament Corp. Ingram M-11.
- 28 (4) Intratec TEC-9.
- 29 (5) Sites Spectre.
- 30 (6) Sterling MK-7.
- 31 (7) Calico M-950.
- 32 (8) Bushmaster Pistol.
- 33 (c) All of the following specified shotguns:
- 34 (1) Franchi SPAS 12 and LAW 12.
- 35 (2) Striker 12.
- 36 (3) The Streetsweeper type S/S Inc. SS/12.
- 37 (d) Any firearm declared to be an assault weapon by the court
- 38 pursuant to former Section 12276.5, as it read in Section 3 of
- 39 Chapter 19 of the Statutes of 1989, Section 1 of Chapter 874 of
- 40 the Statutes of 1990, or Section 3 of Chapter 954 of the Statutes

1 of 1991, which is specified as an assault weapon in a list
2 promulgated pursuant to former Section 12276.5, as it read in
3 Section 3 of Chapter 954 of the Statutes of 1991.

4 (e) This section is declaratory of existing law and a clarification
5 of the law and the Legislature's intent which bans the weapons
6 enumerated in this section, the weapons included in the list
7 promulgated by the Attorney General pursuant to former Section
8 12276.5, as it read in Section 3 of Chapter 954 of the Statutes of
9 1991, and any other models that are only variations of those
10 weapons with minor differences, regardless of the manufacturer.
11 The Legislature has defined assault weapons as the types, series,
12 and models listed in this section because it was the most effective
13 way to identify and restrict a specific class of semiautomatic
14 weapons.

15 (f) As used in this section, "series" includes all other models
16 that are only variations, with minor differences, of those models
17 listed in subdivision (a), regardless of the manufacturer.

18 30515. (a) Notwithstanding Section 30510, "assault weapon"
19 also means any of the following:

20 (1) A semiautomatic, centerfire rifle that has the capacity to
21 accept a detachable magazine and any one of the following:

22 (A) A pistol grip that protrudes conspicuously beneath the action
23 of the weapon.

24 (B) A thumbhole stock.

25 (C) A folding or telescoping stock.

26 (D) A grenade launcher or flare launcher.

27 (E) A flash suppressor.

28 (F) A forward pistol grip.

29 (2) A semiautomatic, centerfire rifle that has a fixed magazine
30 with the capacity to accept more than 10 rounds.

31 (3) A semiautomatic, centerfire rifle that has an overall length
32 of less than 30 inches.

33 (4) A semiautomatic pistol that has the capacity to accept a
34 detachable magazine and any one of the following:

35 (A) A threaded barrel, capable of accepting a flash suppressor,
36 forward handgrip, or silencer.

37 (B) A second handgrip.

38 (C) A shroud that is attached to, or partially or completely
39 encircles, the barrel that allows the bearer to fire the weapon

without burning the bearer's hand, except a slide that encloses the barrel.

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

(6) A semiautomatic shotgun that has both of the following:

(A) A folding or telescoping stock.

(B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

(7) A semiautomatic shotgun that has the ability to accept a detachable magazine.

(8) Any shotgun with a revolving cylinder.

(b) The Legislature finds a significant public purpose in exempting from the definition of "assault weapon" pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that were used for Olympic target shooting purposes as of January 1, 2001, and that would otherwise fall within the definition of "assault weapon" pursuant to this section are exempt, as provided in subdivision (c).

(c) "Assault weapon" does not include either of the following:

(1) Any antique firearm.

(2) Any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision (b):

| MANUFACTURER | MODEL | CALIBER |
|--------------|-------------|--------------|
| BENELLI | MP90 | .22LR |
| BENELLI | MP90 | .32 S&W LONG |
| BENELLI | MP95 | .22LR |
| BENELLI | MP95 | .32 S&W LONG |
| HAMMERLI | 280 | .22LR |
| HAMMERLI | 280 | .32 S&W LONG |
| HAMMERLI | SP20 | .22LR |
| HAMMERLI | SP20 | .32 S&W LONG |
| PARDINI | GPO | .22 SHORT |
| PARDINI | GP-SCHUMANN | .22 SHORT |

| | | | |
|---|---------|----------|--------------|
| 1 | PARDINI | HP | .32 S&W LONG |
| 2 | PARDINI | MP | .32 S&W LONG |
| 3 | PARDINI | SP | .22LR |
| 4 | PARDINI | SPE | .22LR |
| 5 | WALTHER | GSP | .22LR |
| 6 | WALTHER | GSP | .32 S&W LONG |
| 7 | WALTHER | OSP | .22 SHORT |
| 8 | WALTHER | OSP-2000 | .22 SHORT |

9

10 (3) The Department of Justice shall create a program that is
 11 consistent with the purposes stated in subdivision (b) to exempt
 12 new models of competitive pistols that would otherwise fall within
 13 the definition of “assault weapon” pursuant to this section from
 14 being classified as an assault weapon. The exempt competitive
 15 pistols may be based on recommendations by USA Shooting
 16 consistent with the regulations contained in the USA Shooting
 17 Official Rules or may be based on the recommendation or rules
 18 of any other organization that the department deems relevant.

19 30520. (a) The Attorney General shall prepare a description
 20 for identification purposes, including a picture or diagram, of each
 21 assault weapon listed in Section 30510, and any firearm declared
 22 to be an assault weapon pursuant to former Section 12276.5, as it
 23 read in Section 3 of Chapter 19 of the Statutes of 1989, Section 1
 24 of Chapter 874 of the Statutes of 1990, or Section 3 of Chapter
 25 954 of the Statutes of 1991, and shall distribute the description to
 26 all law enforcement agencies responsible for enforcement of this
 27 chapter. Those law enforcement agencies shall make the description
 28 available to all agency personnel.

29 (b) (1) Until January 1, 2007, the Attorney General shall
 30 promulgate a list that specifies all firearms designated as assault
 31 weapons in former Section 12276, as it read in Section 2 of Chapter
 32 954 of the Statutes of 1991, Section 134 of Chapter 427 of the
 33 Statutes of 1992, or Section 19 of Chapter 606 of the Statutes of
 34 1993, or declared to be assault weapons pursuant to former Section
 35 12276.5, as it read in Section 3 of Chapter 19 of the Statutes of
 36 1989, Section 1 of Chapter 874 of the Statutes of 1990, or Section
 37 3 of Chapter 954 of the Statutes of 1991. The Attorney General
 38 shall file that list with the Secretary of State for publication in the
 39 California Code of Regulations. Any declaration that a specified
 40 firearm is an assault weapon shall be implemented by the Attorney

1 General who, within 90 days, shall promulgate an amended list
2 which shall include the specified firearm declared to be an assault
3 weapon. The Attorney General shall file the amended list with the
4 Secretary of State for publication in the California Code of
5 Regulations. Any firearm declared to be an assault weapon prior
6 to January 1, 2007, shall remain on the list filed with the Secretary
7 of State.

8 (2) Chapter 3.5 (commencing with Section 11340) of Part 1 of
9 Division 3 of Title 2 of the Government Code, pertaining to the
10 adoption of rules and regulations, shall not apply to any list of
11 assault weapons promulgated pursuant to this section.

12 (c) The Attorney General shall adopt those rules and regulations
13 that may be necessary or proper to carry out the purposes and intent
14 of this chapter.

15 30525. As used in this part, “.50 BMG cartridge” means a
16 cartridge that is designed and intended to be fired from a center
17 fire rifle and that meets all of the following criteria:

18 (a) It has an overall length of 5.54 inches from the base to the
19 tip of the bullet.

20 (b) The bullet diameter for the cartridge is from .510 to, and
21 including, .511 inch.

22 (c) The case base diameter for the cartridge is from .800 inch
23 to, and including, .804 inch.

24 (d) The cartridge case length is 3.91 inches.

25 30530. (a) As used in this part, “.50 BMG rifle” means a center
26 fire rifle that can fire a .50 BMG cartridge and is not already an
27 assault weapon or a machinegun.

28 (b) A “.50 BMG rifle” does not include any antique firearm,
29 nor any curio or relic as defined in Section 478.11 of Title 27 of
30 the Code of Federal Regulations.

31
32 Article 2. Unlawful Acts Relating to Assault Weapons and .50
33 BMG Rifles
34

35 30600. (a) Any person who, within this state, manufactures
36 or causes to be manufactured, distributes, transports, or imports
37 into the state, keeps for sale, or offers or exposes for sale, or who
38 gives or lends any assault weapon or any .50 BMG rifle, except
39 as provided by this chapter, is guilty of a felony, and upon

1 conviction shall be punished by imprisonment in the state prison
2 for four, six, or eight years.

3 (b) In addition and consecutive to the punishment imposed under
4 subdivision (a), any person who transfers, lends, sells, or gives
5 any assault weapon or any .50 BMG rifle to a minor in violation
6 of subdivision (a) shall receive an enhancement of one year.

7 (c) Except in the case of a first violation involving not more
8 than two firearms as provided in Sections 30605 and 30610, for
9 purposes of this article, if more than one assault weapon or .50
10 BMG rifle is involved in any violation of this article, there shall
11 be a distinct and separate offense for each.

12 30605. (a) Any person who, within this state, possesses any
13 assault weapon, except as provided in this chapter, shall be
14 punished by imprisonment in a county jail for a period not
15 exceeding one year, or by imprisonment in the state prison.

16 (b) Notwithstanding subdivision (a), a first violation of these
17 provisions is punishable by a fine not exceeding five hundred
18 dollars (\$500) if the person was found in possession of no more
19 than two firearms in compliance with Section 30945 and the person
20 meets all of the following conditions:

21 (1) The person proves that he or she lawfully possessed the
22 assault weapon prior to the date it was defined as an assault
23 weapon.

24 (2) The person has not previously been convicted of a violation
25 of this article.

26 (3) The person was found to be in possession of the assault
27 weapon within one year following the end of the one-year
28 registration period established pursuant to Section 30900.

29 (4) The person relinquished the firearm pursuant to Section
30 31100, in which case the assault weapon shall be destroyed
31 pursuant to Sections 18000 and 18005.

32 30610. (a) Any person who, within this state, possesses any
33 .50 BMG rifle, except as provided in this chapter, shall be punished
34 by a fine of one thousand dollars (\$1,000), imprisonment in a
35 county jail for a period not to exceed one year, or by both that fine
36 and imprisonment.

37 (b) Notwithstanding subdivision (a), a first violation of these
38 provisions is punishable by a fine not exceeding five hundred
39 dollars (\$500) if the person was found in possession of no more

1 than two firearms in compliance with Section 30905 and the person
2 satisfies all of the following conditions:

3 (1) The person proves that he or she lawfully possessed the .50
4 BMG rifle prior to January 1, 2005.

5 (2) The person has not previously been convicted of a violation
6 of this article.

7 (3) The person was found to be in possession of the .50 BMG
8 rifle within one year following the end of the .50 BMG rifle
9 registration period established pursuant to Section 30905.

10 (c) Firearms seized pursuant to this section from persons who
11 meet all of the conditions in paragraphs (1), (2), and (3) of
12 subdivision (b) shall be returned unless the court finds in the
13 interest of public safety, after notice and hearing, that the .50 BMG
14 rifle should be destroyed pursuant to Sections 18000 and 18005.
15 Firearms seized from persons who do not meet the conditions set
16 forth in paragraphs (1), (2), and (3) of subdivision (b) shall be
17 destroyed pursuant to Sections 18000 and 18005.

18 30615. Notwithstanding Section 654 or any other provision of
19 law, any person who commits another crime while violating this
20 article may receive an additional, consecutive punishment of one
21 year for violating this article, in addition and consecutive to the
22 punishment, including enhancements, which is prescribed for the
23 other crime.

24 30620. As used in this chapter, the date a firearm is an assault
25 weapon is the earliest of the following:

26 (a) The effective date of an amendment to Section 30510 or to
27 former Section 12276 that adds the designation of the specified
28 firearm.

29 (b) The effective date of the list promulgated pursuant to former
30 Section 12276.5, as that section read in Section 3 of Chapter 954
31 of the Statutes of 1991, which adds or changes the designation of
32 the specified firearm.

33 (c) January 1, 2000, which was the operative date of former
34 Section 12276.1, as enacted by Section 7 of Chapter 129 of the
35 Statutes of 1999.

36 30625. Sections 30600, 30605, and 30610 shall not apply to
37 the sale to, purchase by, importation of, or possession of assault
38 weapons or a .50 BMG rifle by the Department of Justice, police
39 departments, sheriffs' offices, marshals' offices, the Department
40 of Corrections and Rehabilitation, the Department of the California

1 Highway Patrol, district attorneys' offices, the Department of Fish
2 and Game, the Department of Parks and Recreation, or the military
3 or naval forces of this state or of the United States, or any federal
4 law enforcement agency for use in the discharge of their official
5 duties.

6 30630. (a) Sections 30605 and 30610 shall not prohibit the
7 possession or use of assault weapons or a .50 BMG rifle by sworn
8 peace officer members of those agencies specified in Section 30625
9 for law enforcement purposes, whether on or off duty.

10 (b) (1) Sections 30600, 30605, and 30610 shall not prohibit the
11 sale, delivery, or transfer of an assault weapon or a .50 BMG rifle
12 to, or the possession of an assault weapon or a .50 BMG rifle by,
13 a sworn peace officer member of an agency specified in Section
14 30625 if the peace officer is authorized by the officer's employer
15 to possess or receive the assault weapon or the .50 BMG rifle.
16 Required authorization is defined as verifiable written certification
17 from the head of the agency, identifying the recipient or possessor
18 of the assault weapon as a peace officer and authorizing that person
19 to receive or possess the specific assault weapon.

20 (2) For this exemption to apply, in the case of a peace officer
21 who possesses or receives the assault weapon prior to January 1,
22 2002, the officer shall register the assault weapon on or before
23 April 1, 2002, pursuant to former Section 12285, as it read at any
24 time from when it was enacted by Section 3 of Chapter 19 of the
25 Statutes of 1989, to and including when it was amended by Section
26 9 of Chapter 129 of the Statutes of 1999. In the case of a peace
27 officer who possesses or receives the assault weapon on or after
28 January 1, 2002, the officer shall, not later than 90 days after
29 possession or receipt, register the assault weapon pursuant to
30 Article 5 (commencing with Section 30900), or pursuant to former
31 Section 12285, as it read at any time from when it was amended
32 by Section 9 of Chapter 129 of the Statutes of 1999 to when it was
33 repealed by the Deadly Weapons Recodification Act of 2010. In
34 the case of a peace officer who possesses or receives a .50 BMG
35 rifle on or before January 1, 2005, the officer shall register the .50
36 BMG rifle on or before April 30, 2006. In the case of a peace
37 officer who possesses or receives a .50 BMG rifle after January
38 1, 2005, the officer shall register the .50 BMG rifle not later than
39 one year after possession or receipt.

1 (3) With the registration, the peace officer shall include a copy
2 of the authorization required pursuant to this subdivision.

3 (c) Nothing in this article shall be construed to limit or prohibit
4 the sale, delivery, or transfer of an assault weapon or a .50 BMG
5 rifle to, or the possession of an assault weapon or a .50 BMG rifle
6 by, a member of a federal law enforcement agency provided that
7 person is authorized by the employing agency to possess the assault
8 weapon or .50 BMG rifle.

9 30635. Section 30605 shall not apply to the possession of an
10 assault weapon during the 90-day period immediately after the
11 date it was specified as an assault weapon pursuant to former
12 Section 12276.5, as that section read in Section 3 of Chapter 19
13 of the Statutes of 1989, Section 1 of Chapter 874 of the Statutes
14 of 1990, or Section 3 of Chapter 954 of the Statutes of 1991, or
15 during the one-year period after the date it was defined as an assault
16 weapon pursuant to former Section 12276.1, as that section read
17 at any time from when it was enacted by Section 7 of Chapter 129
18 of the Statutes of 1999 to when it was repealed by the Deadly
19 Weapons Recodification Act of 2010, if all of the following are
20 applicable:

21 (a) At the time of the possession in question, the person was
22 eligible under the then-applicable version of former Chapter 2.3
23 (commencing with Section 12275) of Title 2 of Part 4 to register
24 the particular assault weapon.

25 (b) The person lawfully possessed the particular assault weapon
26 prior to the date it was specified as an assault weapon pursuant to
27 former Section 12276.5, or prior to the date it was defined as an
28 assault weapon pursuant to former Section 12276.1.

29 (c) At the time of the possession in question, the person was
30 otherwise in compliance with the then-applicable version of former
31 Chapter 2.3 (commencing with Section 12275) of Title 2 of Part
32 4.

33 30640. Section 30610 shall not apply to the possession of a
34 .50 BMG rifle, which was not defined or specified as an assault
35 weapon pursuant to the then-applicable version of the former
36 Chapter 2.3 (commencing with Section 12275) of Title 2 of Part
37 4 that was added to this code by Section 3 of Chapter 19 of the
38 Statutes of 1989, by any person prior to May 1, 2006, if all of the
39 following are applicable:

1 (a) At the time of the possession in question, the person was
2 eligible under the then-applicable version of former Chapter 2.3
3 (commencing with Section 12275) of Title 2 of Part 4 to register
4 that .50 BMG rifle.

5 (b) The person lawfully possessed the .50 BMG rifle prior to
6 January 1, 2005.

7 (c) At the time of the possession in question, the person was
8 otherwise in compliance with the then-applicable version of former
9 Chapter 2.3 (commencing with Section 12275) of Title 2 of Part
10 4.

11 30645. Sections 30600, 30605, and 30610 shall not apply to
12 the manufacture by any person who is issued a permit pursuant to
13 Section 31005 of assault weapons or .50 BMG rifles for sale to
14 the following:

15 (a) Exempt entities listed in Section 30625.

16 (b) Entities and persons who have been issued permits pursuant
17 to Section 31000 or 31005.

18 (c) Federal military and law enforcement agencies.

19 (d) Law enforcement and military agencies of other states.

20 (e) Foreign governments and agencies approved by the United
21 States State Department.

22 (f) Entities outside the state who have, in effect, a federal
23 firearms dealer's license solely for the purpose of distribution to
24 an entity listed in subdivisions (c) to (e), inclusive.

25 30650. Sections 30600, 30605, and 30610 shall not apply to
26 the sale of assault weapons or .50 BMG rifles by persons who are
27 issued permits pursuant to Section 31005 to any of the following:

28 (a) Exempt entities listed in Section 30625.

29 (b) Entities and persons who have been issued permits pursuant
30 to Section 31000 or 31005.

31 (c) Federal military and law enforcement agencies.

32 (d) Law enforcement and military agencies of other states.

33 (e) Foreign governments and agencies approved by the United
34 States State Department.

35 (f) Officers described in Section 30630 who are authorized to
36 possess assault weapons or .50 BMG rifles pursuant to Section
37 30630.

38 30655. (a) Section 30600 shall not apply to a person who is
39 the executor or administrator of an estate that includes an assault
40 weapon or a .50 BMG rifle registered under Article 5 (commencing

1 with Section 30900) or that was possessed pursuant to subdivision
2 (a) of Section 30630 that is disposed of as authorized by the probate
3 court, if the disposition is otherwise permitted by this chapter.

4 (b) Sections 30605 and 30610 shall not apply to a person who
5 is the executor or administrator of an estate that includes an assault
6 weapon or a .50 BMG rifle registered under Article 5 (commencing
7 with Section 30900) or that was possessed pursuant to subdivision
8 (a) of Section 30630, if the assault weapon or .50 BMG rifle is
9 possessed at a place set forth in subdivision (a) of Section 30945
10 or as authorized by the probate court.

11 30660. (a) Section 30600 shall not apply to a person who
12 lawfully possesses and has registered an assault weapon or .50
13 BMG rifle pursuant to this chapter who lends that assault weapon
14 or .50 BMG rifle to another person, if all the following
15 requirements are satisfied:

16 (1) The person to whom the assault weapon or .50 BMG rifle
17 is lent is 18 years of age or over and is not prohibited by state or
18 federal law from possessing, receiving, owning, or purchasing a
19 firearm.

20 (2) The person to whom the assault weapon or .50 BMG rifle
21 is lent remains in the presence of the registered possessor of the
22 assault weapon or .50 BMG rifle.

23 (3) The assault weapon or .50 BMG rifle is possessed at any of
24 the following locations:

25 (A) While on a target range that holds a regulatory or business
26 license for the purpose of practicing shooting at that target range.

27 (B) While on the premises of a target range of a public or private
28 club or organization organized for the purpose of practicing
29 shooting at targets.

30 (C) While attending any exhibition, display, or educational
31 project that is about firearms and that is sponsored by, conducted
32 under the auspices of, or approved by a law enforcement agency
33 or a nationally or state recognized entity that fosters proficiency
34 in, or promotes education about, firearms.

35 (b) Section 30600 shall not apply to the return of an assault
36 weapon or .50 BMG rifle to the registered possessor, or the lawful
37 possessor, which is lent by that registered or lawful possessor
38 pursuant to subdivision (a).

39 (c) Sections 30605 and 30610 shall not apply to the possession
40 of an assault weapon or .50 BMG rifle by a person to whom an

1 assault weapon or .50 BMG rifle is lent pursuant to subdivision
2 (a).

3 30665. Sections 30600, 30605, and 30610 shall not apply to
4 the possession and importation of an assault weapon or a .50 BMG
5 rifle into this state by a nonresident if all of the following
6 conditions are met:

7 (a) The person is attending or going directly to or coming
8 directly from an organized competitive match or league competition
9 that involves the use of an assault weapon or a .50 BMG rifle.

10 (b) The competition or match is conducted on the premises of
11 one of the following:

12 (1) A target range that holds a regulatory or business license
13 for the purpose of practicing shooting at that target range.

14 (2) A target range of a public or private club or organization
15 that is organized for the purpose of practicing shooting at targets.

16 (c) The match or competition is sponsored by, conducted under
17 the auspices of, or approved by, a law enforcement agency or a
18 nationally or state recognized entity that fosters proficiency in, or
19 promotes education about, firearms.

20 (d) The assault weapon or .50 BMG rifle is transported in
21 accordance with Section 25610 or Article 3 (commencing with
22 Section 25505) of Chapter 2 of Division 5.

23 (e) The person is 18 years of age or over and is not in a class of
24 persons prohibited from possessing firearms by virtue of Chapter
25 2 (commencing with Section 29800) or Chapter 3 (commencing
26 with Section 29900) of Division 9 of this code or Section 8100 or
27 8103 of the Welfare and Institutions Code.

28 30670. (a) Section 30600 shall not apply to the importation
29 into this state of an assault weapon or a .50 BMG rifle by the
30 registered owner of that assault weapon or a .50 BMG rifle if it is
31 in accordance with the provisions of Section 30945.

32 (b) Section 30600 shall not apply during the first 180 days of
33 the 2005 calendar year to the importation into this state of a .50
34 BMG rifle by a person who lawfully possessed that .50 BMG rifle
35 in this state prior to January 1, 2005.

36 30675. (a) Sections 30605 and 30610 shall not apply to any
37 of the following persons:

38 (1) A person acting in accordance with Section 31000 or 31005.

39 (2) A person who has a permit to possess an assault weapon or
40 a .50 BMG rifle issued pursuant to Section 31000 or 31005 when

1 that person is acting in accordance with Section 31000 or 31005
2 or Article 5 (commencing with Section 30900).

3 (b) Sections 30600, 30605, and 30610 shall not apply to any of
4 the following persons:

5 (1) A person acting in accordance with Article 5 (commencing
6 with Section 30900).

7 (2) A person acting in accordance with Section 31000, 31005,
8 31050, or 31055.

9 (c) Sections 30605 and 30610 shall not apply to the registered
10 owner of an assault weapon or a .50 BMG rifle possessing that
11 firearm in accordance with Section 30945.

12
13 Article 3. SKS Rifles
14

15 30710. Notwithstanding paragraph (11) of subdivision (a) of
16 Section 30510, an “SKS rifle” under this article means all SKS
17 rifles commonly referred to as “SKS Sporter” versions,
18 manufactured to accept a detachable AK-47 magazine and imported
19 into this state and sold by a licensed gun dealer, or otherwise
20 lawfully possessed in this state by a resident of this state who is
21 not a licensed gun dealer, between January 1, 1992, and December
22 19, 1997.

23 30715. (a) (1) Any person who, or firm, company, or
24 corporation that operated a retail or other commercial firm,
25 company, or corporation, and manufactured, distributed,
26 transported, imported, possessed, possessed for sale, offered for
27 sale, or transferred, for commercial purpose, an SKS rifle in
28 California between January 1, 1992, and December 19, 1997, shall
29 be immune from criminal prosecution under Article 2 (commencing
30 with Section 30600) or former Section 12280.

31 (2) The immunity provided in this subdivision shall apply
32 retroactively to any person who, or firm, company, or corporation
33 that, is or was charged by complaint or indictment with a violation
34 of former Section 12280 for conduct related to an SKS rifle,
35 whether or not the case of that person, firm, company, or
36 corporation is final.

37 (b) (1) Any person who possessed, gave, loaned, or transferred
38 an SKS rifle in California between January 1, 1992, and December
39 19, 1997, shall be immune from criminal prosecution under Article
40 2 (commencing with Section 30600) or former Section 12280.

1 (2) The immunity provided in this subdivision shall apply
2 retroactively to any person who was charged by complaint or
3 indictment with a violation of former Section 12280 for conduct
4 related to an SKS rifle, whether or not the case of that person is
5 final.

6 (c) Any SKS rifle in the possession of any person who, or firm,
7 company, or corporation that, is described in subdivision (a) or
8 (b), shall not be subject to seizure by law enforcement for violation
9 of Article 2 (commencing with Section 30600) or former Section
10 12280 prior to January 1, 2000.

11 (d) Any person, firm, company, or corporation, convicted under
12 former Section 12280 for conduct relating to an SKS rifle, shall
13 be permitted to withdraw a plea of guilty or nolo contendere, or
14 to reopen the case and assert the immunities provided in this article,
15 if the court determines that the allowance of the immunity is in
16 the interests of justice. The court shall interpret this article liberally
17 to the benefit of the defendant.

18 (e) For purposes of this section, “former Section 12280” refers
19 to former Section 12280, as added by Section 3 of Chapter 19 of
20 the Statutes of 1989 or as subsequently amended.

21 30720. (a) Any person, firm, company, or corporation that is
22 in possession of an SKS rifle shall do one of the following on or
23 before January 1, 2000:

24 (1) Relinquish the SKS rifle to the Department of Justice
25 pursuant to subdivision (h) of former Section 12281.

26 (2) Relinquish the SKS rifle to a law enforcement agency
27 pursuant to former Section 12288, as added by Section 3 of Chapter
28 19 of the Statutes of 1989.

29 (3) Dispose of the SKS rifle as permitted by former Section
30 12285, as it read in Section 20 of Chapter 23 of the Statutes of
31 1994.

32 (b) Any person who has obtained title to an SKS rifle by bequest
33 or intestate succession shall be required to comply with paragraph
34 (1) or (2) of subdivision (a) unless that person otherwise complies
35 with paragraph (1) of subdivision (b) of former Section 12285, as
36 it read in Section 20 of Chapter 23 of the Statutes of 1994, or as
37 subsequently amended.

38 (c) Any SKS rifle relinquished to the department pursuant to
39 this section shall be in a manner prescribed by the department.

1 30725. (a) Any person who complies with Section 30720 shall
2 be exempt from the prohibitions set forth in Section 30600 or
3 30605 for those acts by that person associated with complying
4 with the requirements of Section 30720.

5 (b) Failure to comply with Section 30720 is a public offense
6 punishable by imprisonment in the state prison, or in a county jail,
7 not exceeding one year.

8 30730. (a) (1) The department shall purchase any SKS rifle
9 relinquished pursuant to Section 30720 from funds appropriated
10 for this purpose by the act amending former Section 12281 in the
11 1997–98 Regular Session of the Legislature or by subsequent
12 budget acts or other legislation.

13 (2) The department shall adopt regulations for this purchase
14 program that include, but are not limited to, the manner of delivery,
15 the reimbursement to be paid, and the manner in which persons
16 shall be informed of the state purchase program.

17 (3) Any person who relinquished possession of an SKS rifle to
18 a law enforcement agency pursuant to any version of former
19 Section 12288 prior to the effective date of the purchase program
20 set forth in paragraph (1) shall be eligible to be reimbursed from
21 the purchase program. The procedures for reimbursement pursuant
22 to this paragraph shall be part of the regulations adopted by the
23 department pursuant to paragraph (2).

24 (b) In addition to the regulations required pursuant to subdivision
25 (a), emergency regulations for the purchase program described in
26 subdivision (a) shall be adopted pursuant to Chapter 3.5
27 (commencing with Section 11340) of Part 1 of Division 3 of Title
28 2 of the Government Code.

29 30735. (a) The Department of Justice shall notify all district
30 attorneys on or before January 31, 1999, of the provisions of former
31 Section 12281.

32 (b) The department shall identify all criminal prosecutions in
33 the state for conduct related to SKS rifles on or before April 1,
34 1999. In all cases so identified by the Attorney General, the district
35 attorneys shall inform defense counsel, or the defendant if the
36 defendant is in propria persona, in writing, of the provisions of
37 former Section 12281 on or before May 1, 1999.

38 (c) Commencing no later than January 1, 1999, the department
39 shall conduct a public education and notification program as
40 described in Section 31115 or in former Section 12289, as added

1 by Section 6 of Chapter 954 of the Statutes of 1991 or as
2 subsequently amended.

3
4 Article 4. Assault Weapon or .50 BMG Rifle Constituting
5 Nuisance
6

7 30800. (a) (1) Except as provided in Article 2 (commencing
8 with Section 30600), possession of any assault weapon or of any
9 .50 BMG rifle in violation of this chapter is a public nuisance,
10 solely for purposes of this section and subdivision (c) of Section
11 18005.

12 (2) The Attorney General, any district attorney, or any city
13 attorney, may, in lieu of criminal prosecution, bring a civil action
14 or reach a civil compromise in any superior court to enjoin the
15 possession of the assault weapon or .50 BMG rifle that is a public
16 nuisance.

17 (b) Upon motion of the Attorney General, district attorney, or
18 city attorney, a superior court may impose a civil fine not to exceed
19 three hundred dollars (\$300) for the first assault weapon or .50
20 BMG rifle deemed a public nuisance pursuant to subdivision (a)
21 and up to one hundred dollars (\$100) for each additional assault
22 weapon or .50 BMG rifle deemed a public nuisance pursuant to
23 subdivision (a).

24 (c) Any assault weapon or .50 BMG rifle deemed a public
25 nuisance under subdivision (a) shall be destroyed in a manner so
26 that it may no longer be used, except upon a finding by a court, or
27 a declaration from the Department of Justice, district attorney, or
28 city attorney stating that the preservation of the assault weapon or
29 .50 BMG rifle is in the interest of justice.

30 (d) Upon conviction of any misdemeanor or felony involving
31 the illegal possession or use of an assault weapon, the assault
32 weapon shall be deemed a public nuisance and disposed of pursuant
33 to subdivision (c) of Section 18005.

34
35 Article 5. Registration of Assault Weapons and .50 BMG Rifles
36 and Related Rules
37

38 30900. (a) Any person who, prior to June 1, 1989, lawfully
39 possessed an assault weapon, as defined in former Section 12276,
40 as added by Section 3 of Chapter 19 of the Statutes of 1989, shall

1 register the firearm by January 1, 1991, and any person who
2 lawfully possessed an assault weapon prior to the date it was
3 specified as an assault weapon pursuant to former Section 12276.5,
4 as added by Section 3 of Chapter 19 of the Statutes of 1989 or as
5 amended by Section 1 of Chapter 874 of the Statutes of 1990 or
6 Section 3 of Chapter 954 of the Statutes of 1991, shall register the
7 firearm within 90 days with the Department of Justice pursuant to
8 those procedures that the department may establish.

9 (b) Except as provided in Section 30600, any person who
10 lawfully possessed an assault weapon prior to the date it was
11 defined as an assault weapon pursuant to former Section 12276.1,
12 as it read in Section 7 of Chapter 129 of the Statutes of 1999, and
13 which was not specified as an assault weapon under former Section
14 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989
15 or as amended at any time before January 1, 2001, or former
16 Section 12276.5, as added by Section 3 of Chapter 19 of the
17 Statutes of 1989 or as amended at any time before January 1, 2001,
18 shall register the firearm by January 1, 2001, with the department
19 pursuant to those procedures that the department may establish.

20 (c) The registration shall contain a description of the firearm
21 that identifies it uniquely, including all identification marks, the
22 full name, address, date of birth, and thumbprint of the owner, and
23 any other information that the department may deem appropriate.

24 (d) The department may charge a fee for registration of up to
25 twenty dollars (\$20) per person but not to exceed the actual
26 processing costs of the department. After the department establishes
27 fees sufficient to reimburse the department for processing costs,
28 fees charged shall increase at a rate not to exceed the legislatively
29 approved annual cost-of-living adjustment for the department's
30 budget or as otherwise increased through the Budget Act. The fees
31 shall be deposited into the Dealers' Record of Sale Special
32 Account.

33 30905. (a) Except as provided in Section 30600, any person
34 who lawfully possesses any .50 BMG rifle prior to January 1, 2005,
35 that is not specified as an assault weapon under former Section
36 12276, as it reads in Section 19 of Chapter 606 of the Statutes of
37 1993, or former Section 12276.5, as it reads in Section 3 of Chapter
38 954 of the Statutes of 1991, or defined as an assault weapon
39 pursuant to former Section 12276.1, as it reads in Section 3 of
40 Chapter 911 of the Statutes of 2002, shall register the .50 BMG

1 rifle with the department no later than April 30, 2006, pursuant to
2 those procedures that the department may establish.

3 (b) The registration shall contain a description of the firearm
4 that identifies it uniquely, including all identification marks, the
5 full name, address, date of birth, and thumbprint of the owner, and
6 any other information that the department may deem appropriate.

7 (c) The department may charge a fee for registration of
8 twenty-five dollars (\$25) per person to cover the actual processing
9 and public education campaign costs of the department. The fees
10 shall be deposited into the Dealers' Record of Sale Special
11 Account. Data-processing costs associated with modifying the
12 department's data system to accommodate .50 caliber BMG rifles
13 shall not be paid from the Dealers' Record of Sale Special Account.

14 30910. Except as provided in Section 30925, no assault weapon
15 possessed pursuant to this article may be sold or transferred on or
16 after January 1, 1990, to anyone within this state other than to a
17 licensed gun dealer or as provided in Section 31100.

18 30915. Any person who obtains title to an assault weapon
19 registered under this article or that was possessed pursuant to
20 subdivision (a) of Section 30630 by bequest or intestate succession
21 shall, within 90 days, do one or more of the following:

22 (a) Render the weapon permanently inoperable.

23 (b) Sell the weapon to a licensed gun dealer.

24 (c) Obtain a permit from the Department of Justice in the same
25 manner as specified in Article 3 (commencing with Section 32650)
26 of Chapter 6.

27 (d) Remove the weapon from this state.

28 30920. (a) Any person who lawfully possessed a firearm
29 subsequently declared to be an assault weapon pursuant to former
30 Section 12276.5, as it reads in Section 3 of Chapter 19 of the
31 Statutes of 1989, Section 1 of Chapter 874 of the Statutes of 1990,
32 or Section 3 of Chapter 954 of the Statutes of 1991, or subsequently
33 defined as an assault weapon pursuant to former Section 12276.1,
34 as that section read at any time from when it was enacted by
35 Section 7 of Chapter 129 of the Statutes of 1999 to when it was
36 repealed by the Deadly Weapons Recodification Act of 2010, shall,
37 within 90 days, do one or more of the following:

38 (1) Render the weapon permanently inoperable.

39 (2) Sell the weapon to a licensed gun dealer.

1 (3) Obtain a permit from the Department of Justice in the same
2 manner as specified in Article 3 (commencing with Section 32650)
3 of Chapter 6.

4 (4) Remove the weapon from this state.

5 (b) Notwithstanding subdivision (a), a person who lawfully
6 possessed a firearm that was subsequently declared to be an assault
7 weapon pursuant to former Section 12276.5 may alternatively
8 register the firearm within 90 days of the declaration issued
9 pursuant to subdivision (f) of former Section 12276.5, as it reads
10 in Section 3 of Chapter 19 of the Statutes of 1989, Section 1 of
11 Chapter 874 of the Statutes of 1990, or Section 3 of Chapter 954
12 of the Statutes of 1991.

13 30925. A person moving into this state, otherwise in lawful
14 possession of an assault weapon, shall do one of the following:

15 (a) Prior to bringing the assault weapon into this state, that
16 person shall first obtain a permit from the Department of Justice
17 in the same manner as specified in Article 3 (commencing with
18 Section 32650) of Chapter 6.

19 (b) The person shall cause the assault weapon to be delivered
20 to a licensed gun dealer in this state in accordance with Chapter
21 44 (commencing with Section 921) of Title 18 of the United States
22 Code and the regulations issued pursuant thereto. If the person
23 obtains a permit from the Department of Justice in the same manner
24 as specified in Article 3 (commencing with Section 32650) of
25 Chapter 6, the dealer shall redeliver that assault weapon to the
26 person. If the licensed gun dealer is prohibited from delivering the
27 assault weapon to a person pursuant to this section, the dealer shall
28 possess or dispose of the assault weapon as allowed by this chapter.

29 30930. Except as provided in Section 30940, no .50 BMG rifle
30 possessed pursuant to this article may be sold or transferred on or
31 after January 1, 2005, to anyone within this state other than to a
32 licensed gun dealer or as provided in Section 31100.

33 30935. Any person who obtains title to a .50 BMG rifle
34 registered under this article or that was possessed pursuant to
35 subdivision (a) of Section 30630 by bequest or intestate succession
36 shall, within 180 days of receipt, do one or more of the following:

37 (a) Render the weapon permanently inoperable.

38 (b) Sell the weapon to a licensed gun dealer.

1 (c) Obtain a permit from the Department of Justice in the same
2 manner as specified in Article 3 (commencing with Section 32650)
3 of Chapter 6.

4 (d) Remove the weapon from this state.

5 30940. A person moving into this state, otherwise in lawful
6 possession of a .50 BMG rifle, shall do one of the following:

7 (a) Prior to bringing the .50 BMG rifle into this state, that person
8 shall first obtain a permit from the Department of Justice in the
9 same manner as specified in Article 3 (commencing with Section
10 32650) of Chapter 6.

11 (b) The person shall cause the .50 BMG rifle to be delivered to
12 a licensed gun dealer in this state in accordance with Chapter 44
13 (commencing with Section 921) of Title 18 of the United States
14 Code and the regulations issued pursuant thereto. If the person
15 obtains a permit from the Department of Justice in the same manner
16 as specified in Article 3 (commencing with Section 32650) of
17 Chapter 6, the dealer shall redeliver that .50 BMG rifle to the
18 person. If the licensed gun dealer is prohibited from delivering the
19 .50 caliber BMG rifle to a person pursuant to this section, the dealer
20 shall dispose of the .50 BMG rifle as allowed by this chapter.

21 30945. Unless a permit allowing additional uses is first obtained
22 under Section 31000, a person who has registered an assault
23 weapon or registered a .50 BMG rifle under this article may possess
24 it only under any of the following conditions:

25 (a) At that person's residence, place of business, or other
26 property owned by that person, or on property owned by another
27 with the owner's express permission.

28 (b) While on the premises of a target range of a public or private
29 club or organization organized for the purpose of practicing
30 shooting at targets.

31 (c) While on a target range that holds a regulatory or business
32 license for the purpose of practicing shooting at that target range.

33 (d) While on the premises of a shooting club that is licensed
34 pursuant to the Fish and Game Code.

35 (e) While attending any exhibition, display, or educational
36 project that is about firearms and that is sponsored by, conducted
37 under the auspices of, or approved by a law enforcement agency
38 or a nationally or state recognized entity that fosters proficiency
39 in, or promotes education about, firearms.

1 (f) While on publicly owned land, if the possession and use of
2 a firearm described in Section 30510, 30515, 30520, or 30530, is
3 specifically permitted by the managing agency of the land.

4 (g) While transporting the assault weapon or .50 BMG rifle
5 between any of the places mentioned in this section, or to any
6 licensed gun dealer, for servicing or repair pursuant to Section
7 31050, if the assault weapon is transported as required by Sections
8 16850 and 25610.

9 30950. No person who is under the age of 18 years, and no
10 person who is prohibited by state or federal law from possessing,
11 receiving, owning, or purchasing a firearm, may register or possess
12 an assault weapon or .50 BMG rifle.

13 30955. The department's registration procedures shall provide
14 the option of joint registration for any assault weapon or .50 BMG
15 rifle owned by family members residing in the same household.

16 30960. (a) For 90 days following January 1, 1992, a
17 forgiveness period shall exist to allow any person specified in
18 subdivision (b) of former Section 12280, as it reads in Section 4.5
19 of Chapter 954 of the Statutes of 1991, to register with the
20 Department of Justice any assault weapon that the person lawfully
21 possessed prior to June 1, 1989.

22 (b) (1) Any person who registers an assault weapon during the
23 90-day forgiveness period described in subdivision (a), and any
24 person whose registration form was received by the Department
25 of Justice after January 1, 1991, and who was issued a temporary
26 registration prior to the end of the forgiveness period, shall not be
27 charged with a violation of subdivision (b) of former Section
28 12280, as added by Section 3 of Chapter 19 of the Statutes of 1989
29 or as subsequently amended, if law enforcement becomes aware
30 of that violation only as a result of the registration of the assault
31 weapon.

32 (2) This section shall have no effect upon any person charged
33 prior to January 1, 1992, with a violation of subdivision (b) of
34 former Section 12280 as added by Section 3 of Chapter 19 of the
35 Statutes of 1989 or as subsequently amended, provided that law
36 enforcement was aware of the violation before the weapon was
37 registered.

38 30965. (a) Any person who registered a firearm as an assault
39 weapon pursuant to the provisions of law in effect prior to January
40 1, 2000, where the assault weapon is thereafter defined as an assault

1 weapon pursuant to Section 30515 or former Section 12276.1, as
2 that section read at any time from when it was enacted by Section
3 7 of Chapter 129 of the Statutes of 1999 to when it was repealed
4 by the Deadly Weapons Recodification Act of 2010, shall be
5 deemed to have registered the weapon for purposes of this chapter
6 and shall not be required to reregister the weapon pursuant to this
7 article.

8 (b) Any person who legally registered a firearm as an assault
9 weapon pursuant to the provisions of law in effect prior to January
10 1, 2005, where the assault weapon is thereafter defined as a .50
11 caliber BMG rifle pursuant to Section 30530 or former Section
12 12278, shall be deemed to have registered the weapon for purposes
13 of this chapter and shall not be required to reregister the weapon
14 pursuant to this article.

15
16 Article 6. Permits for Assault Weapons and .50 BMG Rifles
17

18 31000. (a) Any person who lawfully acquired an assault
19 weapon before June 1, 1989, or a .50 BMG rifle before January
20 1, 2005, and wishes to use it in a manner different than specified
21 in Section 30945 shall first obtain a permit from the Department
22 of Justice in the same manner as specified in Article 3
23 (commencing with Section 32650) of Chapter 6.

24 (b) Any person who lawfully acquired an assault weapon
25 between June 1, 1989, and January 1, 1990, and wishes to keep it
26 after January 1, 1990, shall first obtain a permit from the
27 Department of Justice in the same manner as specified in Article
28 3 (commencing with Section 32650) of Chapter 6.

29 (c) Any person who wishes to acquire an assault weapon after
30 January 1, 1990, or a .50 BMG rifle after January 1, 2005, shall
31 first obtain a permit from the Department of Justice in the same
32 manner as specified in Article 3 (commencing with Section 32650)
33 of Chapter 6.

34 31005. (a) The Department of Justice may, upon a finding of
35 good cause, issue permits for the manufacture or sale of assault
36 weapons or .50 BMG rifles for the sale to, purchase by, or
37 possession of assault weapons or .50 BMG rifles by, any of the
38 following:

39 (1) The agencies listed in Section 30625, and the officers
40 described in Section 30630.

1 (2) Entities and persons who have been issued permits pursuant
2 to this section or Section 31000.

3 (3) Federal law enforcement and military agencies.

4 (4) Law enforcement and military agencies of other states.

5 (5) Foreign governments and agencies approved by the United
6 States State Department.

7 (6) Entities outside the state who have, in effect, a federal
8 firearms dealer's license solely for the purpose of distribution to
9 an entity listed in paragraphs (3) to (5), inclusive.

10 (b) Application for the permits, the keeping and inspection
11 thereof, and the revocation of permits shall be undertaken in the
12 same manner as specified in Article 3 (commencing with Section
13 32650) of Chapter 6.

14
15 Article 7. Licensed Gun Dealers
16

17 31050. (a) Any licensed gun dealer may take possession of
18 any assault weapon or .50 BMG rifle for the purposes of servicing
19 or repair from any person to whom it is legally registered or who
20 has been issued a permit to possess it pursuant to this chapter.

21 (b) Any licensed gun dealer may transfer possession of any
22 assault weapon or .50 BMG rifle received pursuant to subdivision
23 (a), to a gunsmith for purposes of accomplishing service or repair
24 of that weapon. A transfer is permissible only to the following
25 persons:

26 (1) A gunsmith who is in the dealer's employ.

27 (2) A gunsmith with whom the dealer has contracted for
28 gunsmithing services.

29 (c) In order for paragraph (2) of subdivision (b) to apply, the
30 gunsmith receiving the assault weapon or .50 BMG rifle shall hold
31 all of the following:

32 (1) A dealer's license issued pursuant to Chapter 44
33 (commencing with Section 921) of Title 18 of the United States
34 Code and the regulations issued pursuant thereto.

35 (2) Any business license required by a state or local
36 governmental entity.

37 31055. In addition to the uses allowed in Article 5
38 (commencing with Section 30900), any licensed gun dealer who
39 lawfully possesses an assault weapon or .50 BMG rifle pursuant

1 to Article 5 (commencing with Section 30900) may do any of the
2 following:

3 (a) Transport the firearm between dealers or out of the state if
4 that person is permitted pursuant to the National Firearms Act.
5 Any transporting allowed by this section or Section 31050 shall
6 be done as required by Sections 16850 and 25610.

7 (b) Display the firearm at any gun show licensed by a state or
8 local governmental entity.

9 (c) Sell the firearm to a resident outside the state.

10 (d) Sell the firearm to a person who has been issued a permit
11 pursuant to Section 31000.

12 13 Article 8. Miscellaneous Provisions 14

15 31100. Any individual may arrange in advance to relinquish
16 an assault weapon or a .50 BMG rifle to a police or sheriff's
17 department. The assault weapon or .50 BMG rifle shall be
18 transported in accordance with Sections 16850 and 25610.

19 31105. (a) No peace officer or dispatcher shall broadcast over
20 a police radio that an individual has registered, or has obtained a
21 permit to possess, an assault weapon or .50 BMG rifle pursuant
22 to this chapter, unless there exists a reason to believe in good faith
23 that one of the following conditions exist:

24 (1) The individual has engaged, or may be engaged, in criminal
25 conduct.

26 (2) The police are responding to a call in which the person
27 allegedly committing a criminal violation may gain access to the
28 assault weapon or .50 BMG rifle.

29 (3) The victim, witness, or person who reported the alleged
30 criminal violation may be using the assault weapon or .50 BMG
31 rifle to hold the person allegedly committing the criminal violation,
32 or may be using the weapon in defense of self or another person.

33 (b) This section shall not prohibit a peace officer or dispatcher
34 from broadcasting over a police radio that an individual has not
35 registered, or has not obtained a permit to possess, an assault
36 weapon or .50 BMG rifle pursuant to this chapter.

37 (c) This section does not limit the transmission of an assault
38 weapon or a .50 BMG rifle ownership status via law enforcement
39 computers or any other medium that is legally accessible only to
40 peace officers or other authorized personnel.

1 31110. (a) Except as provided in subdivision (b), the
2 Department of Justice shall, for every person, firm, or corporation
3 to whom a permit is issued pursuant to this article, annually conduct
4 an inspection for security and safe storage purposes, and to
5 reconcile the inventory of assault weapons.

6 (b) A person, firm, or corporation with an inventory of fewer
7 than five devices that require any Department of Justice permit
8 shall be subject to an inspection for security and safe storage
9 purposes, and to reconcile inventory, once every five years, or
10 more frequently if determined by the department.

11 31115. (a) The Department of Justice shall conduct a public
12 education and notification program regarding the registration of
13 assault weapons and the definition of the weapons set forth in
14 Section 30515 and former Section 12276.1, as it read at any time
15 from when it was added by Section 7 of Chapter 129 of the Statutes
16 of 1999 to when it was repealed by the Deadly Weapons
17 Recodification Act of 2010.

18 (b) The public education and notification program shall include
19 outreach to local law enforcement agencies and utilization of public
20 service announcements in a variety of media approaches, to ensure
21 maximum publicity of the limited forgiveness period of the
22 registration requirement specified in subdivision (f) of former
23 Section 12285, as that subdivision read in Section 5 of Chapter
24 954 of the Statutes of 1991, and the consequences of
25 nonregistration. The department shall develop posters describing
26 gunowners' responsibilities under former Chapter 2.3 (commencing
27 with Section 12275) of Title 2 of Part 4, as that chapter read when
28 the forgiveness period commenced on January 1, 1992, which shall
29 be posted in a conspicuous place in every licensed gun store in the
30 state during the forgiveness period.

31 (c) For .50 BMG rifles, the department's education campaign
32 shall provide materials to dealers of .50 BMG rifles, and to
33 recognized national associations that specialize in .50 BMG rifles.

34 (d) Any costs incurred by the Department of Justice to
35 implement this section, which cannot be absorbed by the
36 department, shall be funded from the Dealers' Record of Sale
37 Special Account, as set forth in Section 28235, or former Section
38 12076 as it read at any time from when it was amended by Section
39 1.7 of Chapter 954 of the Statutes of 1991 to when it was repealed
40 by Section 12 of Chapter 606 of the Statutes of 1993, or former

1 Section 12076 as it read at any time from when it was enacted by
2 Section 13 of Chapter 606 of the Statutes of 1993 to when it was
3 repealed by the Deadly Weapons Recodification Act of 2010, upon
4 appropriation by the Legislature.

5
6 CHAPTER 3. BODY ARMOR
7

8 31310. No body armor shall be acquired by the commissioner
9 pursuant to Section 2259.5 of the Vehicle Code unless, pursuant
10 to subdivision (a) of Section 31315, the Department of Justice has
11 certified the body armor.

12 31315. (a) Before a body armor may be purchased for use by
13 state peace officers, the Department of Justice, after consultation
14 with the Department of the California Highway Patrol, shall
15 establish minimum ballistic performance standards, and shall
16 determine that the armor satisfies those standards.

17 (b) Only body armor that meets state requirements under
18 subdivision (a) for acquisition or purchase shall be eligible for
19 testing for certification under the ballistic performance standards
20 established by the Department of Justice.

21 (c) Only body armor that is certified as acceptable by the
22 department shall be purchased for use by state peace officers.

23 31320. (a) Any person engaged in the manufacture or sale of
24 body armor may apply to the Department of Justice for certification
25 that a particular type of body armor manufactured or sold by that
26 person is acceptable.

27 (b) The applicant shall reimburse the state for any actual
28 expenses incurred by the state in testing and certifying a particular
29 type of body armor.

30 31325. Any application submitted pursuant to Section 31320
31 shall contain all of the following:

32 (a) Full written reports of any investigation conducted for the
33 purpose of determining whether the body armor is acceptable.

34 (b) A full written statement of the design of the body armor.

35 (c) A full written statement of the methods used in, and the
36 facilities and controls used for, the manufacture of the body armor.

37 (d) Any samples of the body armor and its components as the
38 Department of Justice may require.

39 (e) Specimens of the instructions and advertisements used or
40 proposed to be used for the body armor.

1 31330. The Department of Justice, in cooperation with the
2 office of procurement of the Department of General Services, shall
3 establish a schedule for ballistic testing for certification pursuant
4 to subdivision (b) of Section 31315.

5 31335. The Department of Justice shall issue an order refusing
6 to certify a body armor as acceptable if, after due notice to the
7 applicant, the department finds any of the following:

8 (a) That the body armor does not satisfy the ballistic
9 performance standards established by the department pursuant to
10 subdivision (b) of Section 31315.

11 (b) That the application contains any misrepresentation of a
12 material fact.

13 (c) That the application is materially incomplete.

14 (d) That the applicant has failed to reimburse the state as
15 required by Section 31320.

16 31340. The Department of Justice shall issue an order revoking
17 certification of a body armor if, after due notice to the applicant,
18 the department finds any of the following:

19 (a) The experience or additional testing show that the body
20 armor does not comply with the department's ballistic performance
21 standards.

22 (b) The application contains any misrepresentation of a material
23 fact.

24 (c) The body armor must be retested for certification under new
25 department standards.

26 31345. (a) All purchases of certified body armor under the
27 provisions of this chapter shall be made by the Department of
28 General Services on behalf of an authorized state agency or
29 department. Purchases of body armor shall be based upon written
30 requests submitted by an authorized state agency or department
31 to the Department of General Services.

32 (b) The Department of General Services shall make certified
33 body armor available to peace officers of the Department of Justice,
34 as defined by Section 830.3, while engaged in law enforcement
35 activities.

36 31350. The Department of General Services shall, pursuant to
37 departmental regulation, after consultation with the Department
38 of the California Highway Patrol, define the term "enforcement
39 activities" for purposes of this chapter, and develop standards

1 regarding what constitutes sufficient wear on body armor to
2 necessitate replacement of the body armor.

3 31355. The Department of Justice shall adopt and promulgate
4 regulations for the fair and efficient enforcement of this chapter.

5 31360. (a) ~~Any~~A person who has been convicted of a violent
6 felony under the laws of the United States, the State of California,
7 or any other state, government, or country, who purchases, owns,
8 or possesses body armor, as defined by ~~Section 942 of Title 11 of~~
9 ~~the California Code of Regulations in Section 16288~~, except as
10 authorized under subdivision (b), is guilty of a felony, punishable
11 by imprisonment in a state prison for 16 months, or two or three
12 years.

13 (b) ~~Any~~A person whose employment, livelihood, or safety is
14 dependent on the ability to legally possess and use body armor,
15 who is subject to the prohibition imposed by subdivision (a) due
16 to a prior violent felony conviction, may file a petition for an
17 exception to this prohibition with the chief of police or county
18 sheriff of the jurisdiction in which that person seeks to possess
19 and use the body armor. The chief of police or sheriff may reduce
20 or eliminate the prohibition, impose conditions on reduction or
21 elimination of the prohibition, or otherwise grant relief from the
22 prohibition as the chief of police or sheriff deems appropriate,
23 based on the following:

24 (1) A finding that the petitioner is likely to use body armor in
25 a safe and lawful manner.

26 (2) A finding that the petitioner has a reasonable need for this
27 type of protection under the circumstances.

28 In making its decision, the chief of police or sheriff shall consider
29 the petitioner's continued employment, the interests of justice, any
30 relevant evidence, and the totality of the circumstances. It is the
31 intent of the Legislature that law enforcement officials exercise
32 broad discretion in fashioning appropriate relief under this
33 paragraph in cases in which relief is warranted. However, this
34 paragraph may not be construed to require law enforcement
35 officials to grant relief to any particular petitioner. Relief from this
36 prohibition does not relieve any other person or entity from any
37 liability that might otherwise be imposed.

38 (c) The chief of police or sheriff shall require, as a condition of
39 granting an exception under subdivision (b), that the petitioner
40 agree to maintain on the petitioner's person a certified copy of the

1 law enforcement official's permission to possess and use body
2 armor, including any conditions or limitations.

3 (d) Law enforcement officials who enforce the prohibition
4 specified in subdivision (a) against a person who has been granted
5 relief pursuant to subdivision (b), shall be immune from any
6 liability for false arrest arising from the enforcement of this
7 subdivision unless the person has in possession a certified copy
8 of the permission granting the person relief from the prohibition,
9 as required by subdivision (c). This immunity from liability does
10 not relieve any person or entity from any other liability that might
11 otherwise be imposed.

12
13 CHAPTER 4. HANDGUNS

14
15 Article 1. Unconventional Pistol

16
17 31500. Except as provided in Chapter 1 (commencing with
18 Section 17700) of Division 2 of Title 2, any person in this state
19 who manufactures or causes to be manufactured, imports into the
20 state, keeps for sale, or offers or exposes for sale, or who gives,
21 lends, or possesses any unconventional pistol is punishable by
22 imprisonment in a county jail not exceeding one year or in the
23 state prison.

24 31590. Except as provided in Chapter 1 (commencing with
25 Section 17700) of Division 2 of Title 2, any unconventional pistol
26 is a nuisance and is subject to Section 18010.

27
28 Article 2. Handgun Safety Certificate

29
30 31610. It is the intent of the Legislature in enacting this article
31 to require that persons who obtain handguns have a basic
32 familiarity with those firearms, including, but not limited to, the
33 safe handling and storage of those firearms. It is not the intent of
34 the Legislature to require a handgun safety certificate for the mere
35 possession of a firearm.

36 31615. (a) No person shall do either of the following:

37 (1) Purchase or receive any handgun, except an antique firearm,
38 without a valid handgun safety certificate.

1 (2) Sell, deliver, loan, or transfer any handgun, except an antique
2 firearm, to any person who does not have a valid handgun safety
3 certificate.

4 (b) Any person who violates subdivision (a) is guilty of a
5 misdemeanor.

6 (c) The provisions of this section are cumulative, and shall not
7 be construed as restricting the application of any other law.
8 However, an act or omission punishable in different ways by
9 different provisions of this code shall not be punished under more
10 than one provision.

11 31620. (a) No person may commit an act of collusion as
12 specified in Section 27550.

13 (b) Any person who alters, counterfeits, or falsifies a handgun
14 safety certificate, or who uses or attempts to use any altered,
15 counterfeited, or falsified handgun safety certificate to purchase
16 a handgun is guilty of a misdemeanor.

17 (c) The provisions of this section are cumulative and shall not
18 be construed as restricting the application of any other law.
19 However, an act or omission punishable in different ways by this
20 section and different provisions of this code shall not be punished
21 under more than one provision.

22 31625. (a) No certified instructor may issue a handgun safety
23 certificate to any person who has not complied with this article.
24 Proof of compliance shall be forwarded to the department by
25 certified instructors as frequently as the department may determine.

26 (b) No certified instructor may issue a handgun safety certificate
27 to any person who is under 18 years of age.

28 (c) A violation of this section shall be grounds for the
29 department to revoke the instructor's certification to issue handgun
30 safety certificates.

31 31630. (a) The department shall develop an instruction manual
32 in English and in Spanish by October 1, 2002. The department
33 shall make the instructional manual available to firearms dealers
34 licensed pursuant to Sections 26700 to 26915, inclusive, who shall
35 make it available to the general public. Essential portions of the
36 manual may be included in the pamphlet described in Section
37 34205.

38 (b) The department shall develop audiovisual materials in
39 English and in Spanish by March 1, 2003, to be issued to instructors
40 certified by the department.

1 (c) The department shall solicit input from any reputable
2 association or organization, including any law enforcement
3 association that has as one of its objectives the promotion of
4 firearms safety, in the development of the handgun safety certificate
5 instructional materials.

6 31635. (a) The department shall prescribe a minimum level
7 of skill, knowledge, and competency to be required of all handgun
8 safety certificate instructors.

9 (b) Department Certified Instructor applicants shall have a
10 certification to provide training from one of the following
11 organizations as specified, or any entity found by the department
12 to give comparable instruction in firearms safety, or the applicant
13 shall have similar or equivalent training to that provided by the
14 following, as determined by the department:

15 (1) Department of Consumer Affairs, State of California-Firearm
16 Training Instructor.

17 (2) Director of Civilian Marksmanship, Instructor or
18 Rangemaster.

19 (3) Federal Government, Certified Rangemaster or Firearm
20 Instructor.

21 (4) Federal Law Enforcement Training Center, Firearm
22 Instructor Training Program or Rangemaster.

23 (5) United States Military, Military Occupational Specialty
24 (MOS) as marksmanship or firearms instructor. Assignment as
25 Range Officer or Safety Officer are not sufficient.

26 (6) National Rifle Association-Certified Instructor, Law
27 Enforcement Instructor, Rangemaster, or Training Counselor.

28 (7) Commission on Peace Officer Standards and Training
29 (POST), State of California-Firearm Instructor or Rangemaster.

30 (8) Authorization from a State of California accredited school
31 to teach a firearm training course.

32 31640. (a) The department shall develop a written objective
33 test, in English and in Spanish, and prescribe its content, form,
34 and manner, to be administered by an instructor certified by the
35 department.

36 (b) If the person taking the test is unable to read, the examination
37 shall be administered orally. If the person taking the test is unable
38 to read English or Spanish, the test may be applied orally by a
39 translator.

1 (c) The test shall cover, but not be limited to, all of the
2 following:

3 (1) The laws applicable to carrying and handling firearms,
4 particularly handguns.

5 (2) The responsibilities of ownership of firearms, particularly
6 handguns.

7 (3) Current law as it relates to the private sale and transfer of
8 firearms.

9 (4) Current law as it relates to the permissible use of lethal force.

10 (5) What constitutes safe firearm storage.

11 (6) Issues associated with bringing a handgun into the home.

12 (7) Prevention strategies to address issues associated with
13 bringing firearms into the home.

14 (d) The department shall update test materials related to this
15 article every five years.

16 (e) If a dealer licensed pursuant to Sections 26700 to 26915,
17 inclusive, or his or her employee, or where the managing officer
18 or partner is certified as an instructor pursuant to this article, he
19 or she shall also designate a separate room or partitioned area for
20 a person to take the objective test, and maintain adequate
21 supervision to assure that no acts of collusion occur while the
22 objective test is being administered.

23 31645. (a) An applicant for a handgun safety certificate shall
24 successfully pass the objective test referred to in Section 31640,
25 with a passing grade of at least 75 percent. Any person receiving
26 a passing grade on the objective test shall immediately be issued
27 a handgun safety certificate by the instructor.

28 (b) An applicant who fails to pass the objective test upon the
29 first attempt shall be offered additional instructional materials by
30 the instructor, such as a videotape or booklet. The person may not
31 retake the objective test under any circumstances until 24 hours
32 have elapsed after the failure to pass the objective test upon the
33 first attempt. The person failing the test on the first attempt shall
34 take another version of the test upon the second attempt. All tests
35 shall be taken from the same instructor except upon permission
36 by the department, which shall be granted only for good cause
37 shown. The instructor shall make himself or herself available to
38 the applicant during regular business hours in order to retake the
39 test.

1 31650. (a) The certified instructor may charge a fee of
2 twenty-five dollars (\$25), fifteen dollars (\$15) of which is to be
3 paid to the department pursuant to subdivision (c).

4 (b) An applicant to renew a handgun safety certificate shall be
5 required to pass the objective test. The certified instructor may
6 charge a fee of twenty-five dollars (\$25), fifteen dollars (\$15) of
7 which is to be forwarded to the department pursuant to subdivision
8 (c).

9 (c) The department may charge the certified instructor up to
10 fifteen dollars (\$15) for each handgun safety certificate issued by
11 that instructor to cover the department's cost in carrying out and
12 enforcing this article, and enforcing the provisions listed in
13 subdivision (e), as determined annually by the department.

14 (d) All money received by the department pursuant to this article
15 shall be deposited into the Firearms Safety and Enforcement
16 Special Fund created pursuant to Section 28300.

17 (e) The department shall conduct enforcement activities,
18 including, but not limited to, law enforcement activities to ensure
19 compliance with the following provisions:

20 (1) Section 830.95.

21 (2) Title 2 (commencing with Section 12001) of Part 4.

22 (3) This part, except Sections 16965, 17235, and 21510.

23 31655. (a) The department shall develop handgun safety
24 certificates to be issued by instructors certified by the department,
25 to those persons who have complied with this article.

26 (b) A handgun safety certificate shall include, but not be limited
27 to, the following information:

28 (1) A unique handgun safety certificate identification number.

29 (2) The holder's full name.

30 (3) The holder's date of birth.

31 (4) The holder's driver's license or identification number.

32 (5) The holder's signature.

33 (6) The signature of the issuing instructor.

34 (7) The date of issuance.

35 (c) The handgun safety certificate shall expire five years after
36 the date that it was issued by the certified instructor.

37 31660. (a) In the case of loss or destruction of a handgun safety
38 certificate, the issuing instructor shall issue a duplicate certificate
39 upon request and proof of identification to the certificate holder.

(b) The department may authorize the issuing instructor to charge a fee not to exceed fifteen dollars (\$15), for a duplicate certificate. Revenues from this fee shall be deposited in the Firearms Safety and Enforcement Special Fund, created pursuant to Section 28300.

31665. The department shall be immune from any liability arising from implementing Sections 31630, 31635, 31640, and subdivision (a) of Section 31655.

31670. Except for the provisions of former Section 12804, former Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4, as added by Section 10 of Chapter 942 of the Statutes of 2001, became operative on January 1, 2003.

Article 3. Exceptions to Handgun Safety Certificate Requirement

31700. (a) The following persons, properly identified, are exempted from the handgun safety certificate requirement in subdivision (a) of Section 31615:

(1) Any active or honorably retired peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Any active or honorably retired federal officer or law enforcement agent.

(3) Any reserve peace officer, as defined in Section 832.6.

(4) Any person who has successfully completed the course of training specified in Section 832.

(5) A firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, who is acting in the course and scope of that person's activities as a person licensed pursuant to Sections 26700 to 26915, inclusive.

(6) A federally licensed collector who is acquiring or being loaned a handgun that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, who has a current certificate of eligibility issued by the department pursuant to Section 26710.

(7) A person to whom a handgun is being returned, where the person receiving the firearm is the owner of the firearm.

(8) A family member of a peace officer or deputy sheriff from a local agency who receives a firearm pursuant to Section 50081 of the Government Code.

1 (9) Any individual who has a valid concealed weapons permit
2 issued pursuant to Chapter 4 (commencing with Section 26150)
3 of Division 5.

4 (10) An active, or honorably retired member of the United States
5 Armed Forces, the National Guard, the Air National Guard, the
6 active reserve components of the United States, where individuals
7 in those organizations are properly identified. For purposes of this
8 section, proper identification includes the Armed Forces
9 Identification Card, or other written documentation certifying that
10 the individual is an active or honorably retired member.

11 (11) Any person who is authorized to carry loaded firearms
12 pursuant to Section 26025 or 26030.

13 (12) Persons who are the holders of a special weapons permit
14 issued by the department pursuant to Section 32650 or 33300,
15 pursuant to Article 3 (commencing with Section 18900) of Chapter
16 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing
17 with Section 32700) of Chapter 6 of this division.

18 (b) The following persons who take title or possession of a
19 handgun by operation of law in a representative capacity, until or
20 unless they transfer title ownership of the handgun to themselves
21 in a personal capacity, are exempted from the handgun safety
22 certificate requirement in subdivision (a) of Section 31615:

23 (1) The executor or administrator of an estate.

24 (2) A secured creditor or an agent or employee thereof when
25 the firearms are possessed as collateral for, or as a result of, or an
26 agent or employee thereof when the firearms are possessed as
27 collateral for, or as a result of, a default under a security agreement
28 under the Commercial Code.

29 (3) A levying officer, as defined in Section 481.140, 511.060,
30 or 680.260 of the Code of Civil Procedure.

31 (4) A receiver performing the functions of a receiver.

32 (5) A trustee in bankruptcy performing the duties of a trustee.

33 (6) An assignee for the benefit of creditors performing the
34 functions of an assignee.

35 31705. (a) Subdivision (a) of Section 31615 does not apply
36 to any sale, delivery, or transfer of firearms made to an authorized
37 law enforcement representative of any city, county, city and county,
38 or state, or of the federal government, for exclusive use by that
39 governmental agency if, prior to the sale, delivery, or transfer of
40 these firearms, written authorization from the head of the agency

1 authorizing the transaction is presented to the person from whom
2 the purchase, delivery, or transfer is being made.

3 (b) Proper written authorization is defined as verifiable written
4 certification from the head of the agency by which the purchaser
5 or transferee is employed, identifying the employee as an individual
6 authorized to conduct the transaction, and authorizing the
7 transaction for the exclusive use of the agency by which that person
8 is employed.

9 (c) Within 10 days of the date a handgun is acquired by the
10 agency, a record of the same shall be entered as an institutional
11 weapon into the Automated Firearms System (AFS) via the
12 California Law Enforcement Telecommunications System
13 (CLETS) by the law enforcement or state agency. Any agency
14 without access to AFS shall arrange with the sheriff of the county
15 in which the agency is located to input this information via this
16 system.

17 31710. Subdivision (a) of Section 31615 does not apply to the
18 loan of a firearm if all of the following conditions are satisfied:

19 (a) The loan is made by an authorized law enforcement
20 representative of a city, county, or city and county, or of the state
21 or federal government.

22 (b) The loan is made to a peace officer employed by that agency
23 and authorized to carry a firearm.

24 (c) The loan is made for the carrying and use of that firearm by
25 that peace officer in the course and scope of the officer's duties.

26 31715. (a) Subdivision (a) of Section 31615 does not apply
27 to the sale, delivery, or transfer of a firearm by a law enforcement
28 agency to a peace officer pursuant to Section 10334 of the Public
29 Contract Code.

30 (b) Within 10 days of the date that a handgun is sold, delivered,
31 or transferred pursuant to Section 10334 of the Public Contract
32 Code to that peace officer, the name of the officer and the make,
33 model, serial number, and other identifying characteristics of the
34 firearm being sold, delivered, or transferred shall be entered into
35 the Automated Firearms System (AFS) via the California Law
36 Enforcement Telecommunications System (CLETS) by the law
37 enforcement or state agency that sold, delivered, or transferred the
38 firearm. Any agency without access to AFS shall arrange with the
39 sheriff of the county in which the agency is located to input this
40 information via this system.

1 31720. (a) Subdivision (a) of Section 31615 does not apply
2 to the sale, delivery, or transfer of a firearm by a law enforcement
3 agency to a retiring peace officer who is authorized to carry a
4 firearm pursuant to Chapter 5 (commencing with Section 26300)
5 of Division 5.

6 (b) Within 10 days of the date that a handgun is sold, delivered,
7 or transferred to that retiring peace officer, the name of the officer
8 and the make, model, serial number, and other identifying
9 characteristics of the firearm being sold, delivered, or transferred
10 shall be entered into the Automated Firearms System (AFS) via
11 the California Law Enforcement Telecommunications System
12 (CLETS) by the law enforcement or state agency that sold,
13 delivered, or transferred the firearm. Any agency without access
14 to AFS shall arrange with the sheriff of the county in which the
15 agency is located to input this information via this system.

16 31725. (a) Subdivision (a) of Section 31615 does not apply
17 to a sale, delivery, or transfer of firearms if both of the following
18 requirements are satisfied:

19 (1) The sale, delivery, or transfer is to an authorized
20 representative of a city, city and county, county, or state
21 government, or of the federal government, and is for the
22 governmental entity.

23 (2) The entity is acquiring the weapon as part of an authorized,
24 voluntary program in which the entity is buying or receiving
25 weapons from private individuals.

26 (b) Any weapons acquired pursuant to this section shall be
27 disposed of pursuant to the applicable provisions of Section 34000
28 or Sections 18000 and 18005.

29 31730. Subdivision (a) of Section 31615 does not apply to the
30 sale, delivery, loan, or transfer of a firearm made by an authorized
31 law enforcement representative of a city, county, city and county,
32 or state, or of the federal government, to any public or private
33 nonprofit historical society, museum, or institutional collection,
34 or the purchase or receipt of that firearm by that public or private
35 nonprofit historical society, museum, or institutional collection,
36 if all of the following conditions are met:

37 (a) The entity receiving the firearm is open to the public.

38 (b) The firearm prior to delivery is deactivated or rendered
39 inoperable.

40 (c) The firearm is not subject to any of the following:

1 (1) Sections 18000 and 18005.

2 (2) Division 4 (commencing with Section 18250) of Title 2.

3 (3) Section 34000.

4 (4) Sections 34005 and 34010.

5 (d) The firearm is not prohibited by other provisions of law
6 from being sold, delivered, or transferred to the public at large.

7 (e) Prior to delivery, the entity receiving the firearm submits a
8 written statement to the law enforcement representative stating
9 that the firearm will not be restored to operating condition, and
10 will either remain with that entity, or if subsequently disposed of,
11 will be transferred in accordance with the applicable provisions
12 listed in Section 16575 and, if applicable, Section 31615.

13 (f) Within 10 days of the date that the firearm is sold, loaned,
14 delivered, or transferred to that entity, all of the following
15 information shall be reported to the department in a manner
16 prescribed by the department:

17 (1) The name of the government entity delivering the firearm.

18 (2) The make, model, serial number, and other identifying
19 characteristics of the firearm.

20 (3) The name of the person authorized by the entity to take
21 possession of the firearm.

22 (g) In the event of a change in the status of the designated
23 representative, the entity shall notify the department of a new
24 representative within 30 days.

25 31735. Subdivision (a) of Section 31615 does not apply to the
26 sale, delivery, loan, or transfer of a firearm made by any person
27 other than a representative of an authorized law enforcement
28 agency to any public or private nonprofit historical society,
29 museum, or institutional collection, if all of the following
30 conditions are met:

31 (a) The entity receiving the firearm is open to the public.

32 (b) The firearm is deactivated or rendered inoperable prior to
33 delivery.

34 (c) The firearm is not of a type prohibited from being sold,
35 delivered, or transferred to the public.

36 (d) Prior to delivery, the entity receiving the firearm submits a
37 written statement to the person selling, loaning, or transferring the
38 firearm stating that the firearm will not be restored to operating
39 condition, and will either remain with that entity, or if subsequently
40 disposed of, will be transferred in accordance with the applicable

1 provisions listed in Section 16575 and, if applicable, with Section
2 31615.

3 (e) If title to a handgun is being transferred to the public or
4 private nonprofit historical society, museum, or institutional
5 collection, then the designated representative of that entity shall,
6 within 30 days of taking possession of that handgun, forward by
7 prepaid mail or deliver in person to the Department of Justice, a
8 single report signed by both parties to the transaction, which
9 includes all of the following information:

10 (1) Information identifying the person representing the public
11 or private historical society, museum, or institutional collection.

12 (2) Information on how title was obtained and from whom.

13 (3) A description of the firearm in question.

14 (4) A copy of the written statement referred to in subdivision
15 (d).

16 (f) The report forms that are to be completed pursuant to this
17 section shall be provided by the Department of Justice.

18 (g) In the event of a change in the status of the designated
19 representative, the entity shall notify the department of a new
20 representative within 30 days.

21 31740. Subdivision (a) of Section 31615 does not apply to
22 sales, deliveries, or transfers of firearms between or to importers
23 and manufacturers of firearms licensed to engage in that business
24 pursuant to Chapter 44 (commencing with Section 921) of Title
25 18 of the United States Code and the regulations issued pursuant
26 thereto.

27 31745. Subdivision (a) of Section 31615 shall not apply to the
28 sale, delivery, or transfer of a handgun to a person licensed pursuant
29 to Sections 26700 to 26915, inclusive, where the licensee is
30 receiving the handgun in the course and scope of the licensee's
31 activities as a person licensed pursuant to Sections 26700 to 26915,
32 inclusive.

33 31750. Subdivision (a) of Section 31615 does not apply to the
34 loan of a firearm if all of the following conditions exist:

35 (a) The person loaning the firearm is at all times within the
36 presence of the person being loaned the firearm.

37 (b) The loan is for a lawful purpose.

38 (c) The loan does not exceed three days in duration.

1 (d) The individual receiving the firearm is not prohibited by
2 state or federal law from possessing, receiving, owning, or
3 purchasing a firearm.

4 (e) The person loaning the firearm is 18 years of age or older.

5 (f) The person being loaned the firearm is 18 years of age or
6 older.

7 31755. Subdivision (a) of Section 31615 does not apply to the
8 delivery of a firearm to a gunsmith for service or repair, or to the
9 return of the firearm to its owner by the gunsmith, or to the delivery
10 of a firearm by a gunsmith to a person licensed pursuant to Chapter
11 44 (commencing with Section 921) of Title 18 of the United States
12 Code for service or repair and the return of the firearm to the
13 gunsmith.

14 31760. Subdivision (a) of Section 31615 does not apply to the
15 sale, delivery, or transfer of firearms if all of the following
16 requirements are satisfied:

17 (a) The sale, delivery, or transfer is made by a person who
18 resides in this state.

19 (b) The sale, delivery, or transfer is made to a person who resides
20 outside this state and is licensed pursuant to Chapter 44
21 (commencing with Section 921) of Title 18 of the United States
22 Code and the regulations issued pursuant thereto.

23 (c) The sale, delivery, or transfer is in accordance with Chapter
24 44 (commencing with Section 921) of Title 18 of the United States
25 Code and the regulations issued pursuant thereto.

26 31765. Subdivision (a) of Section 31615 does not apply to the
27 loan of a firearm to a person 18 years of age or older for the
28 purposes of shooting at targets if the loan occurs on the premises
29 of a target facility that holds a business or regulatory license or on
30 the premises of any club or organization organized for the purposes
31 of practicing shooting at targets upon established ranges, whether
32 public or private, if the firearm is at all times kept within the
33 premises of the target range or on the premises of the club or
34 organization.

35 31770. Subdivision (a) of Section 31615 does not apply to
36 deliveries, transfers, or returns of firearms made pursuant to any
37 of the following:

38 (a) Sections 18000 and 18005.

39 (b) Division 4 (commencing with Section 18250) of Title 2.

1 (c) Chapter 2 (commencing with Section 33850) of Division
2 11.

3 (d) Sections 34005 and 34010.

4 31775. Subdivision (a) of Section 31615 does not apply to the
5 sale, delivery, or transfer of firearms if all of the following
6 conditions are satisfied:

7 (a) The firearms are unloaded.

8 (b) The firearms are not handguns.

9 (c) The sale, delivery, or transfer is made by a dealer to another
10 dealer, upon proof of compliance with the requirements of Section
11 27555.

12 31780. Subdivision (a) of Section 31615 does not apply to the
13 sale, delivery, or transfer of unloaded firearms by a dealer to a
14 person who resides outside this state and is licensed pursuant to
15 Chapter 44 (commencing with Section 921) of Title 18 of the
16 United States Code and the regulations issued pursuant thereto.

17 31785. Subdivision (a) of Section 31615 does not apply to the
18 sale, delivery, or transfer of unloaded firearms to a wholesaler if
19 the firearms are being returned to the wholesaler and are intended
20 as merchandise in the wholesaler's business.

21 31790. Subdivision (a) of Section 31615 does not apply to the
22 sale, delivery, or transfer of firearms if all of the following
23 conditions are satisfied:

24 (a) The firearms are unloaded.

25 (b) The sale, delivery, or transfer is made by one dealer to
26 another dealer, upon proof of compliance with the requirements
27 of Section 27555.

28 (c) The firearms are intended as merchandise in the receiving
29 dealer's business.

30 31795. Subdivision (a) of Section 31615 does not apply to the
31 sale, delivery, or transfer of an unloaded firearm, other than a
32 handgun, by a dealer to himself or herself.

33 31800. Subdivision (a) of Section 31615 does not apply to the
34 loan of an unloaded firearm by a dealer who also operates a target
35 facility that holds a business or regulatory license on the premises
36 of the building designated in the license or whose building
37 designated in the license is on the premises of any club or
38 organization organized for the purposes of practicing shooting at
39 targets upon established ranges, whether public or private, to a
40 person at that target facility or that club or organization, if the

1 firearm is at all times kept within the premises of the target range
2 or on the premises of the club or organization.

3 31805. Subdivision (a) of Section 31615 does not apply to the
4 sale, delivery, or transfer of unloaded firearms to a wholesaler as
5 merchandise in the wholesaler's business by a manufacturer or
6 importer licensed to engage in that business pursuant to Chapter
7 44 (commencing with Section 921) of Title 18 of the United States
8 Code and the regulations issued pursuant thereto, or by another
9 wholesaler, if the sale, delivery, or transfer is made in accordance
10 with Chapter 44 (commencing with Section 921) of Title 18 of the
11 United States Code.

12 31810. Subdivision (a) of Section 31615 does not apply to or
13 affect the following circumstances:

14 (a) The loan of a handgun to a minor by the minor's parent or
15 legal guardian, if both of the following requirements are satisfied:

16 (1) The minor is being loaned the firearm for the purposes of
17 engaging in a lawful, recreational sport, including, but not limited
18 to, competitive shooting, or agricultural, ranching, or hunting
19 activity, or a motion picture, television, or video production, or
20 entertainment or theatrical event, the nature of which involves the
21 use of a firearm.

22 (2) The duration of the loan does not exceed the amount of time
23 that is reasonably necessary to engage in the lawful, recreational
24 sport, including, but not limited to, competitive shooting, or
25 agricultural, ranching, or hunting activity, or a motion picture,
26 television, or video production, or entertainment or theatrical event,
27 the nature of which involves the use of a firearm.

28 (b) The loan of a handgun to a minor by a person who is not the
29 minor's parent or legal guardian, if all of the following
30 requirements are satisfied:

31 (1) The minor is accompanied by the minor's parent or legal
32 guardian when the loan is made, or the minor has the written
33 consent of the minor's parent or legal guardian, which is presented
34 at the time of the loan, or earlier.

35 (2) The minor is being loaned the firearm for the purpose of
36 engaging in a lawful, recreational sport, including, but not limited
37 to, competitive shooting, or agricultural, ranching, or hunting
38 activity, or a motion picture, television, or video production, or
39 entertainment or theatrical event, the nature of which involves the
40 use of a firearm.

1 (3) The duration of the loan does not exceed the amount of time
2 that is reasonably necessary to engage in the lawful, recreational
3 sport, including, but not limited to, competitive shooting, or
4 agricultural, ranching, or hunting activity, or a motion picture,
5 television, or video production, or entertainment or theatrical event,
6 the nature of which involves the use of a firearm.

7 (4) The duration of the loan does not, in any event, exceed 10
8 days.

9 31815. Subdivision (a) of Section 31615 does not apply to the
10 loan of a firearm if all of the following requirements are satisfied:

11 (a) The loan is infrequent, as defined in Section 16730.

12 (b) The firearm is unloaded.

13 (c) The loan is made by a person who is neither a dealer nor a
14 federal firearms licensee pursuant to Chapter 44 (commencing
15 with Section 921) of Title 18 of the United States Code.

16 (d) The loan is made to a person 18 years of age or older.

17 (e) The loan is for use solely as a prop in a motion picture,
18 television, video, theatrical, or other entertainment production or
19 event.

20 31820. (a) Subdivision (a) of Section 31615 does not apply
21 to the loan of a firearm if all of the following requirements are
22 satisfied:

23 (1) The firearm is unloaded.

24 (2) The loan is made by a person who is not a dealer but is a
25 federal firearms licensee pursuant to Chapter 44 (commencing
26 with Section 921) of Title 18 of the United States Code.

27 (3) The loan is made to a person who possesses a valid
28 entertainment firearms permit issued pursuant to Chapter 2
29 (commencing with Section 29500) of Division 8.

30 (4) The firearm is loaned for use solely as a prop in a motion
31 picture, television, video, theatrical, or other entertainment
32 production or event.

33 (b) The person loaning the firearm pursuant to this section shall
34 retain a photocopy of the entertainment firearms permit as proof
35 of compliance with this requirement.

36 31825. (a) Subdivision (a) of Section 31615 does not apply
37 to the loan of a firearm if all of the following conditions are
38 satisfied:

39 (1) The firearm is unloaded.

40 (2) The loan is made by a dealer.

1 (3) The loan is made to a person who possesses a valid
2 entertainment firearms permit issued pursuant to Chapter 2
3 (commencing with Section 29500) of Division 8.

4 (4) The firearm is loaned solely for use as a prop in a motion
5 picture, television, video, theatrical, or other entertainment
6 production or event.

7 (b) The dealer shall retain a photocopy of the entertainment
8 firearms permit as proof of compliance with this requirement.

9 31830. (a) Subdivision (a) of Section 31615 does not apply
10 to the loan of an unloaded firearm to a consultant-evaluator by a
11 person licensed pursuant to Sections 26700 to 26915, inclusive, if
12 the loan does not exceed 45 days from the date of delivery.

13 (b) At the time of the loan, the consultant-evaluator shall provide
14 the following information, which the dealer shall retain for two
15 years:

16 (1) A photocopy of a valid, current, government-issued
17 identification to determine the consultant-evaluator's identity,
18 including, but not limited to, a California driver's license,
19 identification card, or passport.

20 (2) A photocopy of the consultant-evaluator's valid, current
21 certificate of eligibility.

22 (3) A letter from the person licensed as an importer,
23 manufacturer, or dealer pursuant to Chapter 44 (commencing with
24 Section 921) of Title 18 of the United States Code, with whom the
25 consultant-evaluator has a bona fide business relationship. The
26 letter shall detail the bona fide business purposes for which the
27 firearm is being loaned and confirm that the consultant-evaluator
28 is being loaned the firearm as part of a bona fide business
29 relationship.

30 (4) The signature of the consultant-evaluator on a form
31 indicating the date the firearm is loaned and the last day the firearm
32 may be returned.

33 Article 4. "Unsafe Handgun" and Related Definitions 34 35

36 31900. As used in this part, the "drop safety requirement for
37 handguns" means that at the conclusion of the firing requirements
38 for handguns described in Section 31905, the same certified
39 independent testing laboratory shall subject the same three

handguns of the make and model for which certification is sought, to the following test:

(a) A primed case (no powder or projectile) shall be inserted into the chamber. For a pistol, the slide shall be released, allowing it to move forward under the impetus of the recoil spring, and an empty magazine shall be inserted. For both a pistol and a revolver, the weapon shall be placed in a drop fixture capable of dropping the pistol from a drop height of 1m + 1cm (39.4 + 0.4 in.) onto the largest side of a slab of solid concrete having minimum dimensions of 7.5 x 15 x 15 cm (3 x 6 x 6 in.). The drop distance shall be measured from the lowermost portion of the weapon to the top surface of the slab. The weapon shall be dropped from a fixture and not from the hand. The weapon shall be dropped in the condition that it would be in if it were dropped from a hand (cocked with no manual safety applied). If the pistol is designed so that upon leaving the hand a “safety” is automatically applied by the pistol, this feature shall not be defeated. An approved drop fixture is a short piece of string with the weapon attached at one end and the other end held in an air vise until the drop is initiated.

(b) The following six drops shall be performed:

- (1) Normal firing position with barrel horizontal.
- (2) Upside down with barrel horizontal.
- (3) On grip with barrel vertical.
- (4) On muzzle with barrel vertical.
- (5) On either side with barrel horizontal.

(6) If there is an exposed hammer or striker, on the rearmost point of that device, otherwise on the rearmost point of the weapon.

(c) The primer shall be examined for indentations after each drop. If indentations are present, a fresh primed case shall be used for the next drop.

(d) The handgun shall pass this test if each of the three test guns does not fire the primer.

31905. (a) As used in this part, “firing requirement for handguns” means a test in which the manufacturer provides three handguns of the make and model for which certification is sought to an independent testing laboratory certified by the Attorney General pursuant to Section 32010. These handguns may not be refined or modified in any way from those that would be made available for retail sale if certification is granted. The magazines

1 of a tested pistol shall be identical to those that would be provided
2 with the pistol to a retail customer.

3 (b) The test shall be conducted as follows:

4 (1) The laboratory shall fire 600 rounds from each gun, stopping
5 after each series of 50 rounds has been fired for 5 to 10 minutes
6 to allow the weapon to cool, stopping after each series of 100
7 rounds has been fired to tighten any loose screws and clean the
8 gun in accordance with the manufacturer's instructions, and
9 stopping as needed to refill the empty magazine or cylinder to
10 capacity before continuing.

11 (2) The ammunition used shall be of the type recommended by
12 the handgun manufacturer in the user manual, or if none is
13 recommended, any standard ammunition of the correct caliber in
14 new condition that is commercially available.

15 (c) A handgun shall pass this test if each of the three test guns
16 meets both of the following:

17 (1) Fires the first 20 rounds without a malfunction that is not
18 due to ammunition that fails to detonate.

19 (2) Fires the full 600 rounds with no more than six malfunctions
20 that are not due to ammunition that fails to detonate and without
21 any crack or breakage of an operating part of the handgun that
22 increases the risk of injury to the user.

23 (d) If a pistol or revolver fails the requirements of either
24 paragraph (1) or (2) of subdivision (c) due to ammunition that fails
25 to detonate, the pistol or revolver shall be retested from the
26 beginning of the "firing requirement for handguns" test. A new
27 model of the pistol or revolver that failed due to ammunition that
28 fails to detonate may be submitted for the test to replace the pistol
29 or revolver that failed.

30 (e) As used in this section, "malfunction" means a failure to
31 properly feed, fire, or eject a round, or failure of a pistol to accept
32 or eject the magazine, or failure of a pistol's slide to remain open
33 after the magazine has been expended.

34 31910. As used in this part, "unsafe handgun" means any pistol,
35 revolver, or other firearm capable of being concealed upon the
36 person, for which any of the following is true:

37 (a) For a revolver:

38 (1) It does not have a safety device that, either automatically in
39 the case of a double-action firing mechanism, or by manual
40 operation in the case of a single-action firing mechanism, causes

1 the hammer to retract to a point where the firing pin does not rest
2 upon the primer of the cartridge.

3 (2) It does not meet the firing requirement for handguns.

4 (3) It does not meet the drop safety requirement for handguns.

5 (b) For a pistol:

6 (1) It does not have a positive manually operated safety device,
7 as determined by standards relating to imported guns promulgated
8 by the federal Bureau of Alcohol, Tobacco, and Firearms.

9 (2) It does not meet the firing requirement for handguns.

10 (3) It does not meet the drop safety requirement for handguns.

11 (4) Commencing January 1, 2006, for a center fire
12 semiautomatic pistol that is not already listed on the roster pursuant
13 to Section 32015, it does not have either a chamber load indicator,
14 or a magazine disconnect mechanism.

15 (5) Commencing January 1, 2007, for all center fire
16 semiautomatic pistols that are not already listed on the roster
17 pursuant to Section 32015, it does not have both a chamber load
18 indicator and if it has a detachable magazine, a magazine
19 disconnect mechanism.

20 (6) Commencing January 1, 2006, for all rimfire semiautomatic
21 pistols that are not already listed on the roster pursuant to Section
22 32015, it does not have a magazine disconnect mechanism, if it
23 has a detachable magazine.

24 (7) (A) Commencing January 1, 2010, for all semiautomatic
25 pistols that are not already listed on the roster pursuant to Section
26 32015, it is not designed and equipped with a microscopic array
27 of characters that identify the make, model, and serial number of
28 the pistol, etched or otherwise imprinted in two or more places on
29 the interior surface or internal working parts of the pistol, and that
30 are transferred by imprinting on each cartridge case when the
31 firearm is fired, provided that the Department of Justice certifies
32 that the technology used to create the imprint is available to more
33 than one manufacturer unencumbered by any patent restrictions.

34 (B) The Attorney General may also approve a method of equal
35 or greater reliability and effectiveness in identifying the specific
36 serial number of a firearm from spent cartridge casings discharged
37 by that firearm than that which is set forth in this paragraph, to be
38 thereafter required as otherwise set forth by this paragraph where
39 the Attorney General certifies that this new method is also
40 unencumbered by any patent restrictions. Approval by the Attorney

1 General shall include notice of that fact via regulations adopted
2 by the Attorney General for purposes of implementing that method
3 for purposes of this paragraph.

4 (C) The microscopic array of characters required by this section
5 shall not be considered the name of the maker, model,
6 manufacturer's number, or other mark of identification, including
7 any distinguishing number or mark assigned by the Department
8 of Justice, within the meaning of Sections 23900 and 23920.

9
10 Article 5. Rules Governing Unsafe Handguns
11

12 32000. (a) Commencing January 1, 2001, any person in this
13 state who manufactures or causes to be manufactured, imports into
14 the state for sale, keeps for sale, offers or exposes for sale, gives,
15 or lends any unsafe handgun shall be punished by imprisonment
16 in a county jail not exceeding one year.

17 (b) This section shall not apply to any of the following:

18 (1) The manufacture in this state, or importation into this state,
19 of any prototype pistol, revolver, or other firearm capable of being
20 concealed upon the person when the manufacture or importation
21 is for the sole purpose of allowing an independent laboratory
22 certified by the Department of Justice pursuant to Section 32010
23 to conduct an independent test to determine whether that pistol,
24 revolver, or other firearm capable of being concealed upon the
25 person is prohibited by Sections 31900 to 32110, inclusive, and,
26 if not, allowing the department to add the firearm to the roster of
27 pistols, revolvers, and other firearms capable of being concealed
28 upon the person that may be sold in this state pursuant to Section
29 32015.

30 (2) The importation or lending of a pistol, revolver, or other
31 firearm capable of being concealed upon the person by employees
32 or authorized agents of entities determining whether the weapon
33 is prohibited by this section.

34 (3) Firearms listed as curios or relics, as defined in Section
35 478.11 of Title 27 of the Code of Federal Regulations.

36 (4) The sale or purchase of any pistol, revolver, or other firearm
37 capable of being concealed upon the person, if the pistol, revolver,
38 or other firearm is sold to, or purchased by, the Department of
39 Justice, any police department, any sheriff's official, any marshal's
40 office, the Youth and Adult Correctional Agency, the California

1 Highway Patrol, any district attorney's office, or the military or
2 naval forces of this state or of the United States for use in the
3 discharge of their official duties. Nor shall anything in this section
4 prohibit the sale to, or purchase by, sworn members of these
5 agencies of any pistol, revolver, or other firearm capable of being
6 concealed upon the person.

7 (c) Violations of subdivision (a) are cumulative with respect to
8 each handgun and shall not be construed as restricting the
9 application of any other law. However, an act or omission
10 punishable in different ways by this section and other provisions
11 of law shall not be punished under more than one provision, but
12 the penalty to be imposed shall be determined as set forth in Section
13 654.

14 32005. (a) Every person who is licensed as a manufacturer of
15 firearms pursuant to Chapter 44 (commencing with Section 921)
16 of Title 18 of the United States Code and who manufactures
17 firearms in this state shall certify under penalty of perjury and any
18 other remedy provided by law that every model, kind, class, style,
19 or type of pistol, revolver, or other firearm capable of being
20 concealed upon the person that the person manufactures is not an
21 unsafe handgun as prohibited by Sections 31900 to 32110,
22 inclusive.

23 (b) Every person who imports into the state for sale, keeps for
24 sale, or offers or exposes for sale any firearm shall certify under
25 penalty of perjury and any other remedy provided by law that every
26 model, kind, class, style, or type of pistol, revolver, or other firearm
27 capable of being concealed upon the person that the person imports,
28 keeps, or exposes for sale is not an unsafe handgun as prohibited
29 by Sections 31900 to 32110, inclusive.

30 32010. (a) Any pistol, revolver, or other firearm capable of
31 being concealed upon the person manufactured in this state,
32 imported into the state for sale, kept for sale, or offered or exposed
33 for sale, shall be tested within a reasonable period of time by an
34 independent laboratory certified pursuant to subdivision (b) to
35 determine whether that pistol, revolver, or other firearm capable
36 of being concealed upon the person meets or exceeds the standards
37 defined in Section 31910.

38 (b) On or before October 1, 2000, the Department of Justice
39 shall certify laboratories to verify compliance with the standards
40 defined in Section 31910. The department may charge any

laboratory that is seeking certification to test any pistol, revolver, or other firearm capable of being concealed upon the person pursuant to Sections 31900 to 32110, inclusive, a fee not exceeding the costs of certification.

(c) The certified testing laboratory shall, at the manufacturer's or importer's expense, test the firearm and submit a copy of the final test report directly to the Department of Justice along with a prototype of the weapon to be retained by the department. The department shall notify the manufacturer or importer of its receipt of the final test report and the department's determination as to whether the firearm tested may be sold in this state.

(d) (1) Commencing January 1, 2006, no center-fire semiautomatic pistol may be submitted for testing pursuant to Sections 31900 to 32110, inclusive, if it does not have either a chamber load indicator, or a magazine disconnect mechanism if it has a detachable magazine.

(2) Commencing January 1, 2007, no center-fire semiautomatic pistol may be submitted for testing pursuant to Sections 31900 to 32110, inclusive, if it does not have both a chamber load indicator and a magazine disconnect mechanism.

(3) Commencing January 1, 2006, no rimfire semiautomatic pistol may be submitted for testing pursuant to Sections 31900 to 32110, inclusive, if it has a detachable magazine, and does not have a magazine disconnect mechanism.

32015. (a) On and after January 1, 2001, the Department of Justice shall compile, publish, and thereafter maintain a roster listing all of the pistols, revolvers, and other firearms capable of being concealed upon the person that have been tested by a certified testing laboratory, have been determined not to be unsafe handguns, and may be sold in this state pursuant to this part. The roster shall list, for each firearm, the manufacturer, model number, and model name.

(b) (1) The department may charge every person in this state who is licensed as a manufacturer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and any person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, or offers or exposes for sale any pistol, revolver, or other firearm capable of being concealed upon the person in this state, an annual fee not exceeding the costs of preparing, publishing, and

1 maintaining the roster pursuant to subdivision (a) and the costs of
2 research and development, report analysis, firearms storage, and
3 other program infrastructure costs necessary to implement Sections
4 31900 to 32110, inclusive.

5 (2) Any pistol, revolver, or other firearm capable of being
6 concealed upon the person that is manufactured by a manufacturer
7 who manufactures or causes to be manufactured, imports into the
8 state for sale, keeps for sale, or offers or exposes for sale any pistol,
9 revolver, or other firearm capable of being concealed upon the
10 person in this state, and who fails to pay any fee required pursuant
11 to paragraph (1), may be excluded from the roster.

12 (3) If a purchaser has initiated a transfer of a handgun that is
13 listed on the roster as not unsafe, and prior to the completion of
14 the transfer, the handgun is removed from the roster of not unsafe
15 handguns because of failure to pay the fee required to keep that
16 handgun listed on the roster, the handgun shall be deliverable to
17 the purchaser if the purchaser is not otherwise prohibited from
18 purchasing or possessing the handgun. However, if a purchaser
19 has initiated a transfer of a handgun that is listed on the roster as
20 not unsafe, and prior to the completion of the transfer, the handgun
21 is removed from the roster pursuant to subdivision (d) of Section
22 32020, the handgun shall not be deliverable to the purchaser.

23 32020. (a) The Attorney General may annually retest up to 5
24 percent of the handgun models that are listed on the roster
25 described in subdivision (a) of Section 32015.

26 (b) The retesting of a handgun model pursuant to subdivision
27 (a) shall conform to the following:

28 (1) The Attorney General shall obtain from retail or wholesale
29 sources, or both, three samples of the handgun model to be retested.

30 (2) The Attorney General shall select the certified laboratory to
31 be used for the retesting.

32 (3) The ammunition used for the retesting shall be of a type
33 recommended by the manufacturer in the user manual for the
34 handgun. If the user manual for the handgun model makes no
35 ammunition recommendation, the Attorney General shall select
36 the ammunition to be used for the retesting. The ammunition shall
37 be of the proper caliber for the handgun, commercially available,
38 and in new condition.

39 (c) The retest shall be conducted in the same manner as the
40 testing prescribed in Sections 31900 and 31905.

1 (d) If the handgun model fails retesting, the Attorney General
2 shall remove the handgun model from the roster maintained
3 pursuant to subdivision (a) of Section 32015.

4 32025. A handgun model removed from the roster pursuant to
5 subdivision (d) of Section 32020 may be reinstated on the roster
6 if all of the following are met:

7 (a) The manufacturer petitions the Attorney General for
8 reinstatement of the handgun model.

9 (b) The manufacturer pays the Department of Justice for all of
10 the costs related to the reinstatement testing of the handgun model,
11 including the purchase price of the handguns, prior to reinstatement
12 testing.

13 (c) The reinstatement testing of the handguns shall be in
14 accordance with subdivisions (b) and (c) of Section 32020.

15 (d) The three handgun samples shall be tested only once for
16 reinstatement. If the sample fails it may not be retested.

17 (e) If the handgun model successfully passes testing for
18 reinstatement, and if the manufacturer of the handgun is otherwise
19 in compliance with Sections 31900 to 32110, inclusive, the
20 Attorney General shall reinstate the handgun model on the roster
21 maintained pursuant to subdivision (a) of Section 32015.

22 (f) The manufacturer shall provide the Attorney General with
23 the complete testing history for the handgun model.

24 (g) Notwithstanding subdivision (a) of Section 32020, the
25 Attorney General may, at any time, further retest any handgun
26 model that has been reinstated to the roster.

27 32030. (a) A firearm shall be deemed to satisfy the
28 requirements of subdivision (a) of Section 32015 if another firearm
29 made by the same manufacturer is already listed and the unlisted
30 firearm differs from the listed firearm only in one or more of the
31 following features:

32 (1) Finish, including, but not limited to, bluing, chrome-plating,
33 oiling, or engraving.

34 (2) The material from which the grips are made.

35 (3) The shape or texture of the grips, so long as the difference
36 in grip shape or texture does not in any way alter the dimensions,
37 material, linkage, or functioning of the magazine well, the barrel,
38 the chamber, or any of the components of the firing mechanism
39 of the firearm.

1 (4) Any other purely cosmetic feature that does not in any way
2 alter the dimensions, material, linkage, or functioning of the
3 magazine well, the barrel, the chamber, or any of the components
4 of the firing mechanism of the firearm.

5 (b) Any manufacturer seeking to have a firearm listed under
6 this section shall provide to the Department of Justice all of the
7 following:

8 (1) The model designation of the listed firearm.

9 (2) The model designation of each firearm that the manufacturer
10 seeks to have listed under this section.

11 (3) A statement, under oath, that each unlisted firearm for which
12 listing is sought differs from the listed firearm only in one or more
13 of the ways identified in subdivision (a) and is in all other respects
14 identical to the listed firearm.

15 (c) The department may, in its discretion and at any time, require
16 a manufacturer to provide to the department any model for which
17 listing is sought under this section, to determine whether the model
18 complies with the requirements of this section.

19
20 Article 6. Exceptions to Rules Governing Unsafe Handguns
21

22 32100. (a) Article 4 (commencing with Section 31900) and
23 Article 5 (commencing with Section 32000) shall not apply to a
24 single-action revolver that has at least a five-cartridge capacity
25 with a barrel length of not less than three inches, and meets any
26 of the following specifications:

27 (1) Was originally manufactured prior to 1900 and is a curio or
28 relic, as defined in Section 478.11 of Title 27 of the Code of
29 Federal Regulations.

30 (2) Has an overall length measured parallel to the barrel of at
31 least seven and one-half inches when the handle, frame or receiver,
32 and barrel are assembled.

33 (3) Has an overall length measured parallel to the barrel of at
34 least seven and one-half inches when the handle, frame or receiver,
35 and barrel are assembled and that is currently approved for
36 importation into the United States pursuant to the provisions of
37 paragraph (3) of subsection (d) of Section 925 of Title 18 of the
38 United States Code.

39 (b) Article 4 (commencing with Section 31900) and Article 5
40 (commencing with Section 32000) shall not apply to a single-shot

1 pistol with a barrel length of not less than six inches and that has
 2 an overall length of at least 10½ inches when the handle, frame or
 3 receiver, and barrel are assembled.

4 32105. (a) The Legislature finds a significant public purpose
 5 in exempting pistols that are designed expressly for use in Olympic
 6 target shooting events. Therefore, those pistols that are sanctioned
 7 by the International Olympic Committee and by USA Shooting,
 8 the national governing body for international shooting competition
 9 in the United States, and that were used for Olympic target shooting
 10 purposes as of January 1, 2001, and that fall within the definition
 11 of “unsafe handgun” pursuant to paragraph (3) of subdivision (b)
 12 of Section 31910 shall be exempt, as provided in subdivisions (b)
 13 and (c).

14 (b) Article 4 (commencing with Section 31900) and Article 5
 15 (commencing with Section 32000) shall not apply to any of the
 16 following pistols, because they are consistent with the significant
 17 public purpose expressed in subdivision (a):

| 18 MANUFACTURER | MODEL | CALIBER |
|-----------------|------------|--------------|
| 19 ANSCHUTZ | FP | .22LR |
| 20 BENELLI | MP90 | .22LR |
| 21 BENELLI | MP90 | .32 S&W LONG |
| 22 BENELLI | MP95 | .22LR |
| 23 BENELLI | MP95 | .32 S&W LONG |
| 24 DRULOV | FP | .22LR |
| 25 GREEN | ELECTROARM | .22LR |
| 26 HAMMERLI | 100 | .22LR |
| 27 HAMMERLI | 101 | .22LR |
| 28 HAMMERLI | 102 | .22LR |
| 29 HAMMERLI | 162 | .22LR |
| 30 HAMMERLI | 280 | .22LR |
| 31 HAMMERLI | 280 | .32 S&W LONG |
| 32 HAMMERLI | FP10 | .22LR |
| 33 HAMMERLI | MP33 | .22LR |
| 34 HAMMERLI | SP20 | .22LR |
| 35 HAMMERLI | SP20 | .32 S&W LONG |
| 36 MORINI | CM102E | .22LR |
| 37 MORINI | 22M | .22LR |
| 38 MORINI | 32M | .32 S&W LONG |

| | | | |
|----|---------|-------------|--------------|
| 1 | MORINI | CM80 | ..22LR |
| 2 | PARDINI | GP | .22 SHORT |
| 3 | PARDINI | GPO | .22 SHORT |
| 4 | PARDINI | GP-SCHUMANN | .22 SHORT |
| 5 | PARDINI | HP | .32 S&W LONG |
| 6 | PARDINI | K22 | .22LR |
| 7 | PARDINI | MP | .32 S&W LONG |
| 8 | PARDINI | PGP75 | .22LR |
| 9 | PARDINI | SP | .22LR |
| 10 | PARDINI | SPE | .22LR |
| 11 | SAKO | FINMASTER | .22LR |
| 12 | STEYR | FP | .22LR |
| 13 | VOSTOK | IZH NO. 1 | .22LR |
| 14 | VOSTOK | MU55 | .22LR |
| 15 | VOSTOK | TOZ35 | .22LR |
| 16 | WALTHER | FP | .22LR |
| 17 | WALTHER | GSP | .22LR |
| 18 | WALTHER | GSP | .32 S&W LONG |
| 19 | WALTHER | OSP | .22 SHORT |
| 20 | WALTHER | OSP-2000 | .22 SHORT |

21

22 (c) The department shall create a program that is consistent with
 23 the purpose stated in subdivision (a) to exempt new models of
 24 competitive firearms from Article 4 (commencing with Section
 25 31900) and Article 5 (commencing with Section 32000). The
 26 exempt competitive firearms may be based on recommendations
 27 by USA Shooting consistent with the regulations contained in the
 28 USA Shooting Official Rules or may be based on the
 29 recommendation or rules of any other organization that the
 30 department deems relevant.

31 32110. Article 4 (commencing with Section 31900) and Article
 32 5 (commencing with Section 32000) shall not apply to any of the
 33 following:

34 (a) The sale, loan, or transfer of any firearm pursuant to Chapter
 35 5 (commencing with Section 28050) of Division 6 in order to
 36 comply with Section 27545.

37 (b) The sale, loan, or transfer of any firearm that is exempt from
 38 the provisions of Section 27545 pursuant to any applicable
 39 exemption contained in Article 2 (commencing with Section 27600)
 40 or Article 6 (commencing with Section 27850) of Chapter 4 of

1 Division 6, if the sale, loan, or transfer complies with the
2 requirements of that applicable exemption to Section 27545.

3 (c) The sale, loan, or transfer of any firearm as described in
4 paragraph (3) of subdivision (b) of Section 32000.

5 (d) The delivery of a pistol, revolver, or other firearm capable
6 of being concealed upon the person to a person licensed pursuant
7 to Sections 26700 to 26915, inclusive, for the purposes of the
8 service or repair of that firearm.

9 (e) The return of a pistol, revolver, or other firearm capable of
10 being concealed upon the person by a person licensed pursuant to
11 Sections 26700 to 26915, inclusive, to its owner where that firearm
12 was initially delivered in the circumstances set forth in subdivision
13 (a), (d), (f), or (i).

14 (f) The delivery of a pistol, revolver, or other firearm capable
15 of being concealed upon the person to a person licensed pursuant
16 to Sections 26700 to 26915, inclusive, for the purpose of a
17 consignment sale or as collateral for a pawnbroker loan.

18 (g) The sale, loan, or transfer of any pistol, revolver, or other
19 firearm capable of being concealed upon the person listed as a
20 curio or relic, as defined in Section 478.11 of Title 27 of the Code
21 of Federal Regulations.

22 (h) The sale, loan, or transfer of any semiautomatic pistol that
23 is to be used solely as a prop during the course of a motion picture,
24 television, or video production by an authorized participant therein
25 in the course of making that production or event or by an authorized
26 employee or agent of the entity producing that production or event.

27 (i) The delivery of a pistol, revolver, or other firearm capable
28 of being concealed upon the person to a person licensed pursuant
29 to Sections 26700 to 26915, inclusive, where the firearm is being
30 loaned by the licensee to a consultant-evaluator.

31 (j) The delivery of a pistol, revolver, or other firearm capable
32 of being concealed upon the person by a person licensed pursuant
33 to Sections 26700 to 26915, inclusive, where the firearm is being
34 loaned by the licensee to a consultant-evaluator.

35 (k) The return of a pistol, revolver, or other firearm capable of
36 being concealed upon the person to a person licensed pursuant to
37 Sections 26700 to 26915, inclusive, where it was initially delivered
38 pursuant to subdivision (j).

CHAPTER 5. LARGE-CAPACITY MAGAZINE

Article 1. Rules Governing Large-Capacity Magazines

32310. Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, commencing January 1, 2000, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large-capacity magazine is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

32315. Upon a showing that good cause exists, the Department of Justice may issue permits for the possession, transportation, or sale between a person licensed pursuant to Sections 26700 to 26915, inclusive, and an out-of-state client, of large-capacity magazines.

32390. Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any large-capacity magazine is a nuisance and is subject to Section 18010.

Article 2. Exceptions Relating Specifically to Large-Capacity Magazines

32400. Section 32310 does not apply to the sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine to or by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties, whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

32405. Section 32310 does not apply to the sale to, lending to, transfer to, purchase by, receipt of, or importation into this state of, a large-capacity magazine by a sworn peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is authorized to carry a firearm in the course and scope of that officer's duties.

1 32410. Section 32310 does not apply to the sale or purchase
2 of any large-capacity magazine to or by a person licensed pursuant
3 to Sections 26700 to 26915, inclusive.

4 32415. Section 32310 does not apply to the loan of a lawfully
5 possessed large-capacity magazine between two individuals if all
6 of the following conditions are met:

7 (a) The person being loaned the large-capacity magazine is not
8 prohibited by Chapter 1 (commencing with Section 29610),
9 Chapter 2 (commencing with Section 29800), or Chapter 3
10 (commencing with Section 29900) of Division 9 of this title or
11 Section 8100 or 8103 of the Welfare and Institutions Code from
12 possessing firearms or ammunition.

13 (b) The loan of the large-capacity magazine occurs at a place
14 or location where the possession of the large-capacity magazine
15 is not otherwise prohibited, and the person who lends the
16 large-capacity magazine remains in the accessible vicinity of the
17 person to whom the large-capacity magazine is loaned.

18 32420. Section 32310 does not apply to the importation of a
19 large-capacity magazine by a person who lawfully possessed the
20 large-capacity magazine in the state prior to January 1, 2000,
21 lawfully took it out of the state, and is returning to the state with
22 the same large-capacity magazine.

23 32425. Section 32310 does not apply to either of the following:

24 (a) The lending or giving of any large-capacity magazine to a
25 person licensed pursuant to Sections 26700 to 26915, inclusive,
26 or to a gunsmith, for the purposes of maintenance, repair, or
27 modification of that large-capacity magazine.

28 (b) The return to its owner of any large-capacity magazine by
29 a person specified in subdivision (a).

30 32430. Section 32310 does not apply to the importation into
31 this state of, or sale of, any large-capacity magazine by a person
32 who has been issued a permit to engage in those activities pursuant
33 to Section 32315, when those activities are in accordance with the
34 terms and conditions of that permit.

35 32435. Section 32310 does not apply to any of the following:

36 (a) The sale of, giving of, lending of, importation into this state
37 of, or purchase of, any large-capacity magazine, to or by any entity
38 that operates an armored vehicle business pursuant to the laws of
39 this state.

1 (b) The lending of large-capacity magazines by an entity
2 specified in subdivision (a) to its authorized employees, while in
3 the course and scope of employment for purposes that pertain to
4 the entity's armored vehicle business.

5 (c) The return of those large-capacity magazines to the entity
6 specified in subdivision (a) by those employees specified in
7 subdivision (b).

8 32440. Section 32310 does not apply to any of the following:

9 (a) The manufacture of a large-capacity magazine for any
10 federal, state, county, city and county, or city agency that is charged
11 with the enforcement of any law, for use by agency employees in
12 the discharge of their official duties, whether on or off duty, and
13 where the use is authorized by the agency and is within the course
14 and scope of their duties.

15 (b) The manufacture of a large-capacity magazine for use by a
16 sworn peace officer, as defined in Chapter 4.5 (commencing with
17 Section 830) of Title 3 of Part 2, who is authorized to carry a
18 firearm in the course and scope of that officer's duties.

19 (c) The manufacture of a large-capacity magazine for export or
20 for sale to government agencies or the military pursuant to
21 applicable federal regulations.

22 32445. Section 32310 does not apply to the loan of a
23 large-capacity magazine for use solely as a prop for a motion
24 picture, television, or video production.

25 32450. Section 32310 does not apply to the purchase of a
26 large-capacity magazine by the holder of a special weapons permit
27 issued pursuant to Section 31000, 32650, or 33300, or pursuant to
28 Article 3 (commencing with Section 18900) of Chapter 1 of
29 Division 5 of Title 2, or pursuant to Article 4 (commencing with
30 Section 32700) of Chapter 6 of this division, for any of the
31 following purposes:

32 (a) For use solely as a prop for a motion picture, television, or
33 video production.

34 (b) For export pursuant to federal regulations.

35 (c) For resale to law enforcement agencies, government
36 agencies, or the military, pursuant to applicable federal regulations.

CHAPTER 6. MACHINEGUNS

Article 1. General Provisions

32610. Nothing in this chapter shall affect or apply to any of the following:

(a) The sale to, purchase by, or possession of machineguns by a police department, a sheriff's office, a marshal's office, a district attorney's office, the California Highway Patrol, the Department of Justice, the Department of Corrections for use by the department's Special Emergency Response Teams and Law Enforcement Liaison/Investigations Unit, or the military or naval forces of this state or of the United States for use in the discharge of their official duties, provided, however, that any sale to these entities be transacted by a person who is permitted pursuant to Section 32650 and licensed pursuant to Article 4 (commencing with Section 32700).

(b) The possession of machineguns by regular, salaried, full-time peace officer members of a police department, sheriff's office, marshal's office, district attorney's office, the California Highway Patrol, the Department of Justice, or the Department of Corrections for use by the department's Special Emergency Response Teams and Law Enforcement Liaison/Investigations Unit, when on duty and if the use is within the scope of their duties.

Article 2. Unlawful Acts Relating to Machineguns

32625. (a) Any person, firm, or corporation, who within this state possesses or knowingly transports a machinegun, except as authorized by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison, or by a fine not to exceed ten thousand dollars (\$10,000), or by both that fine and imprisonment.

(b) Any person, firm, or corporation who within this state intentionally converts a firearm into a machinegun, or who sells, or offers for sale, or knowingly manufactures a machinegun, except as authorized by this chapter, is punishable by imprisonment in the state prison for four, six, or eight years.

Article 3. Permits

32650. The Department of Justice may issue permits for the possession, manufacture, and transportation or possession, manufacture, or transportation of machineguns, upon a satisfactory showing that good cause exists for the issuance of the permit to the applicant. No permit shall be issued to a person who is under 18 years of age.

32655. (a) An application for a permit under this article shall satisfy all of the following conditions:

(1) It shall be filed in writing.

(2) It shall be signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation.

(3) It shall state the applicant's name.

(4) It shall state the business in which the applicant is engaged.

(5) It shall state the applicant's business address.

(6) It shall include a full description of the use to which the firearms are to be put.

(b) Applications and permits shall be uniform throughout the state on forms prescribed by the Department of Justice.

(c) Each applicant for a permit shall pay at the time of filing the application a fee determined by the Department of Justice. The fee shall not exceed the application processing costs of the Department of Justice.

(d) A permit granted pursuant to this article may be renewed one year from the date of issuance, and annually thereafter, upon the filing of a renewal application and the payment of a permit renewal fee, which shall not exceed the application processing costs of the Department of Justice.

(e) After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget.

32660. Every person, firm, or corporation to whom a permit is issued under this article shall keep it on the person or at the place where the firearms are kept. The permit shall be open to inspection by any peace officer or any other person designated by the authority issuing the permit.

1 32665. A permit issued in accordance with this chapter may
2 be revoked by the issuing authority at any time, when it appears
3 that the need for the firearms has ceased or that the holder of the
4 permit has used the firearms for purposes other than those allowed
5 by the permit or that the holder of the permit has not exercised
6 great care in retaining custody of any weapons possessed under
7 the permit.

8 32670. (a) Except as provided in subdivision (b), the
9 Department of Justice shall, for every person, firm, or corporation
10 to whom a permit is issued pursuant to this article, annually conduct
11 an inspection for security and safe storage purposes, and to
12 reconcile the inventory of machineguns.

13 (b) A person, firm, or corporation with an inventory of fewer
14 than five devices that require any Department of Justice permit
15 shall be subject to an inspection for security and safe storage
16 purposes, and to reconcile inventory, once every five years, or
17 more frequently if determined by the department.

18 19 Article 4. Licenses to Sell Machineguns 20

21 32700. The Department of Justice may grant a license to permit
22 the sale of machineguns at the place specified in the license, subject
23 to all of the following conditions:

24 (a) The business shall be carried on only in the place designated
25 in the license.

26 (b) The license or a certified copy of the license must be
27 displayed on the premises in a place where it may easily be read.

28 (c) No machinegun shall be delivered to any person not
29 authorized to receive the machinegun under the provisions of this
30 chapter.

31 (d) A complete record must be kept of sales made under the
32 authority of the license, showing the name and address of the
33 purchaser, the descriptions and serial numbers of the weapons
34 purchased, the number and date of issue of the purchaser's permit,
35 if any, and the signature of the purchaser or purchasing agent. This
36 record shall be open to the inspection of any peace officer or other
37 person designated by the Attorney General.

38 32705. An application for a license under this article shall
39 satisfy all of the following conditions:

40 (a) It shall be filed in writing.

1 (b) It shall be signed by the applicant if an individual, or by a
2 member or officer qualified to sign if the applicant is a firm or
3 corporation.

4 (c) It shall state the applicant's name.

5 (d) It shall state the business in which the applicant is engaged.

6 (e) It shall state the applicant's business address.

7 (f) It shall include a full description of the use to which the
8 firearms are to be put.

9 32710. (a) Applications and licenses under this article shall
10 be uniform throughout the state, on forms prescribed by the
11 Department of Justice.

12 (b) A license under this article shall be effective for not more
13 than one year from the date of issuance.

14 32715. (a) Each applicant for a license under this article shall
15 pay at the time of filing the application a fee determined by the
16 Department of Justice. The fee shall not exceed the application
17 processing costs of the Department of Justice.

18 (b) A license granted pursuant to this article may be renewed
19 one year from the date of issuance, and annually thereafter, upon
20 the filing of a renewal application and the payment of a license
21 renewal fee, which shall not exceed the application processing
22 costs of the Department of Justice.

23 (c) After the department establishes fees sufficient to reimburse
24 the department for processing costs, fees charged shall increase at
25 a rate not to exceed the legislatively approved annual cost-of-living
26 adjustments for the department's budget.

27 32720. Upon breach of any of the conditions stated in Section
28 32700, a license under this article shall be revoked.

29
30 Article 5. Machinegun Constituting Nuisance

31
32 32750. (a) It shall be a public nuisance to possess any
33 machinegun in violation of this chapter.

34 (b) The Attorney General, any district attorney, or any city
35 attorney may bring an action before the superior court to enjoin
36 the possession of any machinegun in violation of this chapter.

37 (c) Any machinegun found to be in violation of this chapter
38 shall be surrendered to the Department of Justice. The department
39 shall destroy the machinegun so as to render it unusable and
40 unrepairable as a machinegun, except upon the filing of a certificate

1 with the department by a judge or district attorney stating that the
2 preservation of the machinegun is necessary to serve the ends of
3 justice.

4
5 CHAPTER 7. MULTIBURST TRIGGER ACTIVATOR
6

7 32900. Except as provided in Chapter 1 (commencing with
8 Section 17700) of Division 2 of Title 2, any person in this state
9 who manufactures or causes to be manufactured, imports into the
10 state, keeps for sale, or offers or exposes for sale, or who gives,
11 lends, or possesses any multiburst trigger activator is punishable
12 by imprisonment in a county jail not exceeding one year or in the
13 state prison.

14 32990. Except as provided in Chapter 1 (commencing with
15 Section 17700) of Division 2 of Title 2, any multiburst trigger
16 activator is a nuisance and is subject to Section 18010.

17
18 CHAPTER 8. SHORT-BARRELED RIFLE OR SHORT-BARRELED
19 SHOTGUN
20

21 Article 1. Restrictions Relating to Short-Barreled Rifle or
22 Short-Barreled Shotgun
23

24 33210. Except as expressly provided in Sections 33215 to
25 33225, inclusive, and in Chapter 1 (commencing with Section
26 17700) of Division 2 of Title 2, and solely in accordance with
27 those provisions, no person may manufacture, import into this
28 state, keep for sale, offer for sale, give, lend, or possess any
29 short-barreled rifle or short-barreled shotgun. Nothing else in any
30 provision listed in Section 16580 shall be construed as authorizing
31 the manufacture, importation into the state, keeping for sale,
32 offering for sale, or giving, lending, or possession of any
33 short-barreled rifle or short-barreled shotgun.

34 33215. Except as provided in Sections 33220 and 33225 and
35 in Chapter 1 (commencing with Section 17700) of Division 2 of
36 Title 2, any person in this state who manufactures or causes to be
37 manufactured, imports into the state, keeps for sale, or offers or
38 exposes for sale, or who gives, lends, or possesses any
39 short-barreled rifle or short-barreled shotgun is punishable by

1 imprisonment in a county jail not exceeding one year or in the
2 state prison.

3 33220. Section 33215 does not apply to either of the following:

4 (a) The sale to, purchase by, or possession of short-barreled
5 rifles or short-barreled shotguns by a police department, sheriff's
6 office, marshal's office, the California Highway Patrol, the
7 Department of Justice, the Department of Corrections and
8 Rehabilitation, or the military or naval forces of this state or of the
9 United States, for use in the discharge of their official duties.

10 (b) The possession of short-barreled rifles and short-barreled
11 shotguns by peace officer members of a police department, sheriff's
12 office, marshal's office, the California Highway Patrol, the
13 Department of Justice, or the Department of Corrections and
14 Rehabilitation, when on duty and the use is authorized by the
15 agency and is within the course and scope of their duties, and the
16 officers have completed a training course in the use of these
17 weapons certified by the Commission on Peace Officer Standards
18 and Training.

19 33225. Section 33215 does not apply to the manufacture,
20 possession, transportation, or sale of a short-barreled rifle or
21 short-barreled shotgun, when authorized by the Department of
22 Justice pursuant to Article 2 (commencing with Section 33300)
23 and not in violation of federal law.

24 33290. Except as provided in Sections 33220 and 33225 and
25 in Chapter 1 (commencing with Section 17700) of Division 2 of
26 Title 2, any short-barreled rifle or short-barreled shotgun is a
27 nuisance and is subject to Section 18010.

28
29 Article 2. Permit for Short-Barreled Rifle or Short-Barreled
30 Shotgun
31

32 33300. (a) Upon a showing that good cause exists for issuance
33 of a permit to the applicant, and if the Department of Justice finds
34 that issuance of the permit does not endanger the public safety,
35 the department may issue a permit for the manufacture, possession,
36 transportation, or sale of short-barreled rifles or short-barreled
37 shotguns. The permit shall be initially valid for a period of one
38 year, and renewable annually thereafter. No permit shall be issued
39 to a person who is under 18 years of age.

1 (b) Good cause, for the purposes of this section, shall be limited
2 to only the following:

3 (1) The permit is sought for the manufacture, possession, or use
4 with blank cartridges, of a short-barreled rifle or short-barreled
5 shotgun, solely as a prop for a motion picture, television, or video
6 production or entertainment event.

7 (2) The permit is sought for the manufacture of, exposing for
8 sale, keeping for sale, sale of, importation or lending of
9 short-barreled rifles or short-barreled shotguns to the entities listed
10 in Section 33220 by persons who are licensed as dealers or
11 manufacturers under the provisions of Chapter 53 (commencing
12 with Section 5801) of Title 26 of the United States Code, as
13 amended, and the regulations issued pursuant thereto.

14 33305. (a) An application for a permit under this article shall
15 satisfy all of the following conditions:

16 (1) It shall be filed in writing.

17 (2) It shall be signed by the applicant if an individual, or by a
18 member or officer qualified to sign if the applicant is a firm or
19 corporation.

20 (3) It shall state the applicant's name.

21 (4) It shall state the business in which the applicant is engaged.

22 (5) It shall state the applicant's business address.

23 (6) It shall include a full description of the use to which the
24 short-barreled rifles or short-barreled shotguns are to be put.

25 (b) Applications and permits shall be uniform throughout the
26 state on forms prescribed by the Department of Justice.

27 (c) Each applicant for a permit shall pay at the time of filing the
28 application a fee determined by the Department of Justice. The
29 fee shall not exceed the application processing costs of the
30 Department of Justice.

31 (d) A permit granted pursuant to this article may be renewed
32 one year from the date of issuance, and annually thereafter, upon
33 the filing of a renewal application and the payment of a permit
34 renewal fee, which shall not exceed the application processing
35 costs of the Department of Justice.

36 (e) After the department establishes fees sufficient to reimburse
37 the department for processing costs, fees charged shall increase at
38 a rate not to exceed the legislatively approved annual cost-of-living
39 adjustments for the department's budget.

1 33310. (a) Every person, firm, or corporation to whom a permit
2 is issued under this article shall keep it on the person or at the place
3 where the short-barreled rifles or short-barreled shotguns are kept.
4 The permit shall be open to inspection by any peace officer or any
5 other person designated by the authority issuing the permit.

6 (b) Every short-barreled rifle or short-barreled shotgun possessed
7 pursuant to the provisions of this article shall bear a unique
8 identifying number. If a weapon does not bear a unique identifying
9 number, the Department of Justice shall assign a number which
10 shall be placed or stamped on that weapon.

11 33315. A permit issued in accordance with this article may be
12 revoked by the issuing authority at any time, when it appears that
13 the need for the short-barreled rifles or short-barreled shotguns
14 has ceased or that the holder of the permit has used the
15 short-barreled rifles or short-barreled shotguns for purposes other
16 than those allowed by the permit or that the holder of the permit
17 has not exercised great care in retaining custody of any weapons
18 possessed under the permit.

19 33320. (a) Except as provided in subdivision (b), the
20 Department of Justice shall, for every person, firm, or corporation
21 to whom a permit is issued pursuant to this article, annually conduct
22 an inspection for security and safe storage purposes, and to
23 reconcile the inventory of short-barreled rifles and short-barreled
24 shotguns.

25 (b) A person, firm, or corporation with an inventory of fewer
26 than five devices that require any Department of Justice permit
27 shall be subject to an inspection for security and safe storage
28 purposes, and to reconcile inventory, once every five years, or
29 more frequently if determined by the department.

30 CHAPTER 9. SILENCERS

31
32
33 33410. Any person, firm, or corporation who within this state
34 possesses a silencer is guilty of a felony and upon conviction
35 thereof shall be punished by imprisonment in the state prison or
36 by a fine not to exceed ten thousand dollars (\$10,000)-~~or by both,~~
37 *or by both that fine and imprisonment.*

38 33415. Section 33410 shall not apply to, or affect, any of the
39 following:

(a) The sale to, purchase by, or possession of silencers by agencies listed in Section 830.1, or the military or naval forces of this state or of the United States, for use in the discharge of their official duties.

(b) The possession of silencers by regular, salaried, full-time peace officers who are employed by an agency listed in Section 830.1, or by the military or naval forces of this state or of the United States, when on duty and when the use of silencers is authorized by the agency and is within the course and scope of their duties.

(c) The manufacture, possession, transportation, or sale or other transfer of silencers to an entity described in subdivision (a) by dealers or manufacturers registered under Chapter 53 (commencing with Section 5801) of Title 26 of the United States Code and the regulations issued pursuant thereto.

CHAPTER 10. ZIP GUNS

33600. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any zip gun is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

33690. Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any zip gun is a nuisance and is subject to Section 18010.

DIVISION 11. FIREARM IN CUSTODY OF COURT OR LAW ENFORCEMENT AGENCY OR SIMILAR SITUATION

CHAPTER 1. PROCEDURE FOR TAKING FIREARM INTO CUSTODY

33800. (a) When a firearm is taken into custody by a law enforcement officer, the officer shall issue the person who possessed the firearm a receipt describing the firearm, and listing any serial number or other identification on the firearm.

(b) The receipt shall indicate where the firearm may be recovered, any applicable time limit for recovery, and the date

1 after which the owner or possessor may recover the firearm
2 pursuant to Chapter 2 (commencing with Section 33850).

3 (c) Nothing in this section is intended to displace any existing
4 law regarding the seizure or return of firearms.

5
6 CHAPTER 2. RETURN OR TRANSFER OF FIREARM IN CUSTODY
7 OR CONTROL OF COURT OR LAW ENFORCEMENT AGENCY
8

9 33850. (a) Any person who claims title to any firearm that is
10 in the custody or control of a court or law enforcement agency and
11 who wishes to have the firearm returned shall make application
12 for a determination by the Department of Justice as to whether the
13 applicant is eligible to possess a firearm. The application shall
14 include the following:

15 (1) The applicant's name, date and place of birth, gender,
16 telephone number, and complete address.

17 (2) Whether the applicant is a United States citizen. If the
18 applicant is not a United States citizen, the application shall also
19 include the applicant's country of citizenship and the applicant's
20 alien registration or I-94 number.

21 (3) If the firearm is a handgun, the firearm's make, model,
22 caliber, barrel length, handgun type, country of origin, and serial
23 number.

24 (4) For residents of California, the applicant's valid California
25 driver's license number or valid California identification card
26 number issued by the Department of Motor Vehicles. For
27 nonresidents of California, a copy of the applicant's military
28 identification with orders indicating that the individual is stationed
29 in California, or a copy of the applicant's valid driver's license
30 from the applicant's state of residence, or a copy of the applicant's
31 state identification card from the applicant's state of residence.
32 Copies of the documents provided by non-California residents
33 shall be notarized.

34 (5) The name of the court or law enforcement agency holding
35 the firearm.

36 (6) The signature of the applicant and the date of signature.

37 (7) Any person furnishing a fictitious name or address or
38 knowingly furnishing any incorrect information or knowingly
39 omitting any information required to be provided for the

1 application, including any notarized information pursuant to
2 paragraph (4), shall be guilty of a misdemeanor.

3 (b) A person who owns a firearm that is in the custody of a court
4 or law enforcement agency and who does not wish to obtain
5 possession of the firearm, and the firearm is an otherwise legal
6 firearm, and the person otherwise has right to title of the firearm,
7 shall be entitled to sell or transfer title of the firearm to a licensed
8 dealer.

9 (c) Any person furnishing a fictitious name or address, or
10 knowingly furnishing any incorrect information or knowingly
11 omitting any information required to be provided for the
12 application, including any notarized information pursuant to
13 paragraph (4) of subdivision (a), is punishable as a misdemeanor.

14 33855. No law enforcement agency or court that has taken
15 custody of any firearm may return the firearm to any individual
16 unless the following requirements are satisfied:

17 (a) The individual presents to the agency or court notification
18 of a determination by the department pursuant to Section 33865
19 that the person is eligible to possess firearms.

20 (b) If the agency or court has direct access to the Automated
21 Firearms System, the agency or court has verified that the firearm
22 is not listed as stolen pursuant to Section 11108, and that the
23 firearm has been recorded in the Automated Firearms System in
24 the name of the individual who seeks its return.

25 (c) If the firearm has been reported lost or stolen pursuant to
26 Section 11108, a law enforcement agency shall notify the owner
27 or person entitled to possession pursuant to Section 11108.5.
28 However, that person shall provide proof of eligibility to possess
29 a firearm pursuant to Section 33865.

30 (d) Nothing in this section shall prevent the local law
31 enforcement agency from charging the rightful owner or person
32 entitled to possession of the firearm the fees described in Section
33 33880. However, an individual who is applying for a background
34 check to retrieve a firearm that came into the custody or control
35 of a court or law enforcement agency pursuant to Section 33850
36 shall be exempt from the fees in Section 33860, provided that the
37 court or agency determines the firearm was reported stolen to a
38 law enforcement agency prior to the date the firearm came into
39 custody or control of the court or law enforcement agency, or
40 within five business days of the firearm being stolen from its

1 owner. The court or agency shall notify the Department of Justice
2 of this fee exemption in a manner prescribed by the department.

3 33860. (a) The Department of Justice shall establish a fee of
4 twenty dollars (\$20) per request for return of a firearm, plus a
5 three-dollar (\$3) charge for each additional handgun being
6 processed as part of the request to return a firearm, to cover its
7 costs for processing firearm clearance determinations submitted
8 pursuant to this chapter.

9 (b) The fees collected pursuant to subdivision (a) shall be
10 deposited into the Dealers' Record of Sale Special Account.

11 (c) The department may increase the fee by using the California
12 Consumer Price Index as compiled and reported by the California
13 Department of Industrial Relations to determine an annual rate of
14 increase. Any fee increase shall be rounded to the nearest dollar.

15 33865. (a) When the Department of Justice receives a
16 completed application pursuant to Section 33850 accompanied by
17 the fee required pursuant to Section 33860, it shall conduct an
18 eligibility check of the applicant to determine whether the applicant
19 is eligible to possess a firearm.

20 (b) The department shall have 30 days from the date of receipt
21 to complete the background check, unless the background check
22 is delayed by circumstances beyond the control of the department.
23 The applicant may contact the department to inquire about the
24 reason for a delay.

25 (c) If the department determines that the applicant is eligible to
26 possess the firearm, the department shall provide the applicant
27 with written notification that includes the following:

- 28 (1) The identity of the applicant.
29 (2) A statement that the applicant is eligible to possess a firearm.
30 (3) If the firearm is a handgun, a description of the handgun by
31 make, model, and serial number.

32 (d) If the firearm is a handgun, the department shall enter a
33 record of the handgun into the Automated Firearms System.

34 (e) If the department denies the application, and the firearm is
35 an otherwise legal firearm, the department shall notify the applicant
36 of the denial and provide a form for the applicant to use to sell or
37 transfer the firearm to a licensed dealer. The applicant may contact
38 the department to inquire about the reason for the denial.

39 33870. (a) If a law enforcement agency determines that the
40 applicant is the legal owner of any firearm deposited with the

1 agency, that the applicant is prohibited from possessing any
2 firearm, and that the firearm is an otherwise legal firearm, the
3 applicant shall be entitled to sell or transfer the firearm to a licensed
4 dealer.

5 (b) If the firearm has been lost or stolen, the firearm shall be
6 restored to the lawful owner pursuant to Section 11108.5 upon the
7 owner's identification of the firearm, proof of ownership, and proof
8 of eligibility to possess a firearm pursuant to Section 33865.

9 (c) Nothing in this section shall prevent the local law
10 enforcement agency from charging the rightful owner of the firearm
11 the fees described in Section 33880.

12 33875. Notwithstanding any other provision of law, no law
13 enforcement agency or court shall be required to retain a firearm
14 for more than 180 days after the owner of the firearm has been
15 notified by the court or law enforcement agency that the firearm
16 has been made available for return. An unclaimed firearm may be
17 disposed of after the 180-day period has expired.

18 33880. (a) A city, county, or city and county, or a state agency
19 may adopt a regulation, ordinance, or resolution imposing a charge
20 equal to its administrative costs relating to the seizure, impounding,
21 storage, or release of a firearm.

22 (b) The fee under subdivision (a) shall not exceed the actual
23 costs incurred for the expenses directly related to taking possession
24 of a firearm, storing the firearm, and surrendering possession of
25 the firearm to a licensed firearms dealer or to the owner.

26 (c) The administrative costs described in subdivisions (a) and
27 (b) may be waived by the local or state agency upon verifiable
28 proof that the firearm was reported stolen at the time the firearm
29 came into the custody or control of the law enforcement agency.

30 (d) The following apply to any charges imposed for
31 administrative costs pursuant to this section:

32 (1) The charges shall only be imposed on the person claiming
33 title to the firearm.

34 (2) Any charges shall be collected by the local or state authority
35 only from the person claiming title to the firearm.

36 (3) The charges shall be in addition to any other charges
37 authorized or imposed pursuant to this code.

38 (4) No charge may be imposed for any hearing or appeal relating
39 to the removal, impound, storage, or release of a firearm, unless
40 that hearing or appeal was requested in writing by the legal owner

1 of the firearm. In addition, the charge may be imposed only upon
2 the person requesting that hearing or appeal.

3 (e) No costs for any hearing or appeal related to the release of
4 a firearm shall be charged to the legal owner who redeems the
5 firearm, unless the legal owner voluntarily requests the post-storage
6 hearing or appeal. No city, county, city and county, or state agency
7 shall require a legal owner to request a post-storage hearing as a
8 requirement for release of the firearm to the legal owner.

9 33885. In a proceeding for the return of a firearm seized and
10 not returned pursuant to this chapter, where the defendant or
11 cross-defendant is a law enforcement agency, the court shall award
12 reasonable attorney's fees to the prevailing party.

13 33890. Notwithstanding Section 11106, the Department of
14 Justice may retain personal information about an applicant in
15 connection with a claim under this chapter for a firearm that is not
16 a handgun, to allow for law enforcement confirmation of
17 compliance with this chapter. The information retained may include
18 personal identifying information regarding the individual applying
19 for the clearance, but may not include information that identifies
20 any particular firearm that is not a handgun.

21 33895. Section 27545 does not apply to deliveries, transfers,
22 or returns of firearms made pursuant to this chapter.

23
24 CHAPTER 3. FIREARMS THAT ARE UNCLAIMED, ABANDONED,
25 OR SUBJECT TO DESTRUCTION
26

27 34000. (a) Notwithstanding any provision of law or of any
28 local ordinance to the contrary, when any firearm is in the
29 possession of any officer of the state, or of a county, city, or city
30 and county, or of any campus of the University of California or
31 the California State University, and the firearm is an exhibit filed
32 in any criminal action or proceeding which is no longer needed or
33 is unclaimed or abandoned property, which has been in the
34 possession of the officer for at least 180 days, the firearm shall be
35 sold, or destroyed, as provided for in Sections 18000 and 18005.

36 (b) This section does not apply to any firearm in the possession
37 of the Department of Fish and Game, or which was used in the
38 violation of any provision in the Fish and Game Code, or any
39 regulation under that code.

1 34005. (a) (1) An officer having custody of any firearm that
2 may be useful to the California National Guard, the Coast Guard
3 Auxiliary, or to any military or naval agency of the federal or state
4 government, including, but not limited to, the California National
5 Guard military museum and resource center, may, upon the
6 authority of the legislative body of the city, city and county, or
7 county by which the officer is employed and the approval of the
8 Adjutant General, deliver the firearm to the commanding officer
9 of a unit of the California National Guard, the Coast Guard
10 Auxiliary, or any other military agency of the state or federal
11 government, in lieu of destruction as required by any of the
12 provisions listed in Section 16580.

13 (2) The officer delivering a firearm pursuant to this subdivision
14 shall take a receipt for it, which contains a complete description
15 of the firearm, and shall keep the receipt on file in his or her office
16 as a public record.

17 (b) Any law enforcement agency that has custody of any
18 firearms, or any parts of any firearms, which are subject to
19 destruction as required by any of the provisions listed in Section
20 16580, may, in lieu of destroying the weapons, retain and use any
21 of them as may be useful in carrying out the official duties of the
22 agency. Alternatively, upon approval of a court, the agency may
23 do either of the following:

24 (1) Release the weapons to any other law enforcement agency
25 for use in carrying out the official duties of that agency.

26 (2) Turn over to the criminalistics laboratory of the Department
27 of Justice or the criminalistics laboratory of a police department,
28 sheriff's office, or district attorney's office, any weapons that may
29 be useful in carrying out the official duties of the respective
30 agencies.

31 (c) (1) Any firearm, or part of any firearm, which, rather than
32 being destroyed, is used for official purposes pursuant to this
33 section, shall be destroyed by the agency using the weapon when
34 it is no longer needed by the agency for use in carrying out its
35 official duties.

36 (2) Firearms or weaponry donated to the California National
37 Guard military museum and resource center may be disposed of
38 pursuant to Section 179 of the Military and Veterans Code.

39 (d) (1) Any law enforcement agency that has custody of any
40 firearms, or any parts of any firearms, which are subject to

1 destruction as required by any of the provisions listed in Section
2 16580, may, in lieu of destroying the firearms, obtain an order
3 from the superior court directing the release of the firearms to the
4 sheriff.

5 (2) The sheriff shall enter those weapons into the Automated
6 Firearms System (AFS), via the California Law Enforcement
7 Telecommunications System, with a complete description of each
8 weapon, including the make, type, category, caliber, and serial
9 number of the firearms, and the name of the academy receiving
10 the weapon entered into the AFS miscellaneous field.

11 (3) The sheriff shall then release the firearms to the basic
12 training academy certified by the Commission on Peace Officer
13 Standards and Training, so that the firearms may be used for
14 instructional purposes in the certified courses. All firearms released
15 to an academy shall be under the care, custody, and control of the
16 particular academy.

17 (4) Any firearm, or part of any firearm, which is not destroyed,
18 and is used for the purposes authorized by this section, shall be
19 returned to the law enforcement agency that had original custody
20 of the firearm when it is no longer needed by the basic training
21 academy, or when the basic training academy is no longer certified
22 by the commission.

23 (5) When those firearms are returned, the law enforcement
24 agency to which the firearms are returned, shall on the date of the
25 return, enter into the Automated Firearms System (AFS), via the
26 California Law Enforcement Telecommunications System, a
27 complete description of each weapon, including the make, type,
28 category, caliber, and serial number of the firearms, and the name
29 of the entity returning the firearm.

30 34010. Any law enforcement agency that retains custody of
31 any firearm pursuant to Section 34005, or that destroys a firearm
32 pursuant to Sections 18000 and 18005, shall notify the Department
33 of Justice of the retention or destruction. This notification shall
34 consist of a complete description of each firearm, including the
35 name of the manufacturer or brand name, model, caliber, and serial
36 number.

DIVISION 12. MISCELLANEOUS DUTIES OF THE
DEPARTMENT OF JUSTICE

CHAPTER 1. MISCELLANEOUS REPORTS AND PUBLICATIONS

34200. The Attorney General shall provide the Legislature on or before April 15 of each year, commencing in 1998, a written report on the specific types of firearms used in the commission of crimes based upon information obtained from state and local crime laboratories. The report shall include all of the following information regarding crimes in which firearms were used:

(a) A description of the relative occurrence of firearms most frequently used in the commission of violent crimes, distinguishing whether the firearms used were handguns, rifles, shotguns, assault weapons, or other related types of weapons.

(b) A description of specific types of firearms that are used in homicides or street gang and drug trafficking crimes.

(c) The frequency with which stolen firearms were used in the commission of the crimes.

(d) The frequency with which fully automatic firearms were used in the commission of the crimes.

(e) Any trends of importance such as those involving specialized ammunition or firearms modifications, such as conversion to a fully automatic weapon, removal of serial number, shortening of barrel, or use of a suppressor.

34205. (a) The Department of Justice shall prepare a pamphlet that summarizes California firearms laws as they pertain to persons other than law enforcement officers or members of the armed services.

(b) The pamphlet shall include the following matters:

(1) Lawful possession.

(2) Licensing procedures.

(3) Transportation and use of firearms.

(4) Acquisition of hunting licenses.

(5) The safe handling and use of firearms.

(6) Various methods of safe storage and child proofing of firearms.

(7) The availability of firearms safety programs and devices.

(8) The responsibilities of firearms ownership.

(9) The operation of various types of firearms.

1 (10) The lawful use of deadly force.

2 (c) The department shall offer copies of the pamphlet at actual
3 cost to firearms dealers licensed pursuant to Sections 26700 to
4 26915, inclusive, who shall have copies of the most current version
5 available for sale to retail purchasers or transferees of firearms.
6 The cost of the pamphlet, if any, may be added to the sale price
7 of the firearm. Other interested parties may purchase copies directly
8 from the Department of General Services.

9 (d) The pamphlet shall declare that it is merely intended to
10 provide a general summary of laws applicable to firearms and is
11 not designed to provide individual guidance for specific areas.
12 Individuals having specific questions shall be directed to contact
13 their local law enforcement agency or private counsel.

14 (e) The Department of Justice or any other public entity shall
15 be immune from any liability arising from the drafting, publication,
16 or dissemination of the pamphlet or any reliance upon it. All
17 receipts from the sale of these pamphlets shall be deposited as
18 reimbursements to the support appropriation for the Department
19 of Justice.

20 CHAPTER 2. BALLISTICS IDENTIFICATION SYSTEM

21
22
23 34350. (a) The Attorney General shall conduct a study to
24 evaluate ballistics identification systems to determine the feasibility
25 and potential benefits to law enforcement of utilizing a statewide
26 ballistics identification system capable of maintaining a database
27 of ballistic images and information from test fired and sold
28 firearms. The study shall include an evaluation of ballistics
29 identification systems currently used by state and federal law
30 enforcement agencies and the firearms industry. The Attorney
31 General shall consult with law enforcement agencies, firearms
32 industry representatives, private technology providers, and other
33 appropriate parties in conducting the study.

34 (b) In evaluating ballistics identification systems to determine
35 the feasibility of utilizing a statewide system as required pursuant
36 to subdivision (a), the Attorney General shall consider, at a
37 minimum, the following:

38 (1) The development of methods by which firearm
39 manufacturers, importers, and dealers may potentially capture

1 ballistic images from firearms prior to sale in California and
2 forward that information to the Attorney General.

3 (2) The development of methods by which the Attorney General
4 will receive, store, and make available to law enforcement ballistic
5 images submitted by firearm manufacturers, importers, and dealers
6 prior to sale in California.

7 (3) The potential financial costs to the Attorney General of
8 implementing and operating a statewide ballistics identification
9 system, including the process for receipt of information from
10 firearm manufacturers, importers, and dealers.

11 (4) The capability of a ballistics identification system
12 maintaining a database of ballistic images and information from
13 test fired firearms for all firearms sold in California.

14 (5) The compatibility of a ballistics identification system with
15 ballistics identification systems that are currently used by law
16 enforcement agencies in California.

17 (6) A method to ensure that state and local law enforcement
18 agencies can forward ballistic identification information to the
19 Attorney General for inclusion in a statewide ballistics
20 identification system.

21 (7) The feasibility and potential benefits to law enforcement of
22 requiring firearm manufacturers, importers, and dealers to provide
23 the Attorney General with ballistic images from any, or a selected
24 number of, test fired firearms prior to the sale of those firearms in
25 California.

26 (c) The Attorney General shall submit a report to the Legislature
27 with the results of the study not later than June 1, 2001. In the
28 event the report includes a determination that a ballistics
29 identification system and database is feasible and would benefit
30 law enforcement, the report shall also recommend a strategy for
31 implementation.

32 34355. (a) Section 34350 does not apply to any sale, delivery,
33 or transfer of firearms made to an authorized law enforcement
34 representative of any city, county, city and county, or state, or of
35 the federal government, for exclusive use by that governmental
36 agency if, prior to the sale, delivery, or transfer of these firearms,
37 written authorization from the head of the agency authorizing the
38 transaction is presented to the person from whom the purchase,
39 delivery, or transfer is being made.

1 (b) Proper written authorization is defined as verifiable written
2 certification from the head of the agency by which the purchaser
3 or transferee is employed, identifying the employee as an individual
4 authorized to conduct the transaction, and authorizing the
5 transaction for the exclusive use of the agency by which that person
6 is employed.

7 (c) Within 10 days of the date a handgun is acquired by the
8 agency, a record of the same shall be entered as an institutional
9 weapon into the Automated Firearms System (AFS) via the
10 California Law Enforcement Telecommunications System
11 (CLETS) by the law enforcement or state agency. Any agency
12 without access to AFS shall arrange with the sheriff of the county
13 in which the agency is located to input this information via this
14 system.

15 34360. Section 34350 does not apply to the loan of a firearm
16 if all of the following conditions are satisfied:

17 (a) The loan is made by an authorized law enforcement
18 representative of a city, county, or city and county, or of the state
19 or federal government.

20 (b) The loan is made to a peace officer employed by that agency
21 and authorized to carry a firearm.

22 (c) The loan is made for the carrying and use of that firearm by
23 that peace officer in the course and scope of the officer's duties.

24 34365. (a) Section 34350 does not apply to the sale, delivery,
25 or transfer of a firearm by a law enforcement agency to a peace
26 officer pursuant to Section 10334 of the Public Contract Code.

27 (b) Within 10 days of the date that a handgun is sold, delivered,
28 or transferred pursuant to Section 10334 of the Public Contract
29 Code to that peace officer, the name of the officer and the make,
30 model, serial number, and other identifying characteristics of the
31 firearm being sold, delivered, or transferred shall be entered into
32 the Automated Firearms System (AFS) via the California Law
33 Enforcement Telecommunications System (CLETS) by the law
34 enforcement or state agency that sold, delivered, or transferred the
35 firearm. Any agency without access to AFS shall arrange with the
36 sheriff of the county in which the agency is located to input this
37 information via this system.

38 34370. (a) Section 34350 does not apply to the sale, delivery,
39 or transfer of a firearm by a law enforcement agency to a retiring

1 peace officer who is authorized to carry a firearm pursuant to
2 Chapter 5 (commencing with Section 26300) of Division 5.

3 (b) Within 10 days of the date that a handgun is sold, delivered,
4 or transferred to that retiring peace officer, the name of the officer
5 and the make, model, serial number, and other identifying
6 characteristics of the firearm being sold, delivered, or transferred
7 shall be entered into the Automated Firearms System (AFS) via
8 the California Law Enforcement Telecommunications System
9 (CLETS) by the law enforcement or state agency that sold,
10 delivered, or transferred the firearm. Any agency without access
11 to AFS shall arrange with the sheriff of the county in which the
12 agency is located to input this information via this system.

13 *SEC. 6.01. Section 12021.5 is added to the Penal Code, to*
14 *read:*

15 *12021.5. (a) Every person who carries a loaded or unloaded*
16 *firearm on his or her person, or in a vehicle, during the commission*
17 *or attempted commission of any street gang crimes described in*
18 *subdivision (a) or (b) of Section 186.22, shall, upon conviction of*
19 *the felony or attempted felony, be punished by an additional term*
20 *of imprisonment in the state prison for one, two, or three years in*
21 *the court's discretion. The court shall impose the middle term*
22 *unless there are circumstances in aggravation or mitigation. The*
23 *court shall state the reasons for its enhancement choice on the*
24 *record at the time of sentence.*

25 *(b) Every person who carries a loaded or unloaded firearm*
26 *together with a detachable shotgun magazine, a detachable pistol*
27 *magazine, a detachable magazine, or a belt-feeding device on his*
28 *or her person, or in a vehicle, during the commission or attempted*
29 *commission of any street gang crimes described in subdivision (a)*
30 *or (b) of Section 186.22, shall, upon conviction of the felony or*
31 *attempted felony, be punished by an additional term of*
32 *imprisonment in the state prison for two, three, or four years in*
33 *the court's discretion. The court shall impose the middle term*
34 *unless there are circumstances in aggravation or mitigation. The*
35 *court shall state the reasons for its enhancement choice on the*
36 *record at the time of sentence.*

37 *(c) As used in this section, the following definitions shall apply:*

38 *(1) "Detachable magazine" means a device that is designed or*
39 *redesigned to do all of the following:*

1 (A) *To be attached to a rifle that is designed or redesigned to*
2 *fire ammunition.*

3 (B) *To be attached to, and detached from, a rifle that is designed*
4 *or redesigned to fire ammunition.*

5 (C) *To feed ammunition continuously and directly into the*
6 *loading mechanism of a rifle that is designed or redesigned to fire*
7 *ammunition.*

8 (2) *“Detachable pistol magazine” means a device that is*
9 *designed or redesigned to do all of the following:*

10 (A) *To be attached to a semiautomatic firearm that is not a rifle*
11 *or shotgun that is designed or redesigned to fire ammunition.*

12 (B) *To be attached to, and detached from, a firearm that is not*
13 *a rifle or shotgun that is designed or redesigned to fire ammunition.*

14 (C) *To feed ammunition continuously and directly into the*
15 *loading mechanism of a firearm that is not a rifle or a shotgun*
16 *that is designed or redesigned to fire ammunition.*

17 (3) *“Detachable shotgun magazine” means a device that is*
18 *designed or redesigned to do all of the following:*

19 (A) *To be attached to a firearm that is designed or redesigned*
20 *to fire a fixed shotgun shell through a smooth or rifled bore.*

21 (B) *To be attached to, and detached from, a firearm that is*
22 *designed or redesigned to fire a fixed shotgun shell through a*
23 *smooth bore.*

24 (C) *To feed fixed shotgun shells continuously and directly into*
25 *the loading mechanism of a firearm that is designed or redesigned*
26 *to fire a fixed shotgun shell.*

27 (4) *“Belt-feeding device” means a device that is designed or*
28 *redesigned to continuously feed ammunition into the loading*
29 *mechanism of a machinegun or a semiautomatic firearm.*

30 (5) *“Rifle” shall have the same meaning as specified in Section*
31 *17090.*

32 (6) *“Shotgun” shall have the same meaning as specified in*
33 *Section 17190.*

34 (d) *This section shall become operative on January 1, 2012.*

35 SEC. 6.02. *Section 12022.2 is added to the Penal Code, to*
36 *read:*

37 12022.2. (a) *Any person who, while armed with a firearm in*
38 *the commission or attempted commission of any felony, has in his*
39 *or her immediate possession ammunition for the firearm designed*
40 *primarily to penetrate metal or armor, shall upon conviction of*

1 *that felony or attempted felony, in addition and consecutive to the*
2 *punishment prescribed for the felony or attempted felony, be*
3 *punished by an additional term of 3, 4, or 10 years. The court shall*
4 *order the middle term unless there are circumstances in*
5 *aggravation or mitigation. The court shall state the reasons for*
6 *its enhancement choice on the record at the time of the sentence.*

7 *(b) Any person who wears a body vest in the commission or*
8 *attempted commission of a violent offense, as defined in Section*
9 *29905, shall, upon conviction of that felony or attempted felony,*
10 *in addition and consecutive to the punishment prescribed for the*
11 *felony or attempted felony of which he or she has been convicted,*
12 *be punished by an additional term of one, two, or five years. The*
13 *court shall order the middle term unless there are circumstances*
14 *in aggravation or mitigation. The court shall state the reasons for*
15 *its enhancement choice on the record at the time of the sentence.*

16 *(c) As used in this section, “body vest” means any*
17 *bullet-resistant material intended to provide ballistic and trauma*
18 *protection for the wearer.*

19 *(d) This section shall become operative on January 1, 2012.*

20 *SEC. 6.03. Section 12022.4 is added to the Penal Code, to*
21 *read:*

22 *12022.4. (a) Any person who, during the commission or*
23 *attempted commission of a felony, furnishes or offers to furnish a*
24 *firearm to another for the purpose of aiding, abetting, or enabling*
25 *that person or any other person to commit a felony shall, in*
26 *addition and consecutive to the punishment prescribed by the*
27 *felony or attempted felony of which the person has been convicted,*
28 *be punished by an additional term of one, two, or three years in*
29 *the state prison. The court shall order the middle term unless there*
30 *are circumstances in aggravation or mitigation. The court shall*
31 *state the reasons for its enhancement choice on the record at the*
32 *time of the sentence. The additional term provided in this section*
33 *shall not be imposed unless the fact of the furnishing is charged*
34 *in the accusatory pleading and admitted or found to be true by the*
35 *trier of fact.*

36 *(b) This section shall become operative on January 1, 2012.*

37 *SEC. 6.04. Section 16520 is added to the Penal Code, to read:*

38 *16520. (a) As used in this part, “firearm” means any device,*
39 *designed to be used as a weapon, from which is expelled through*

1 *a barrel, a projectile by the force of any explosion or other form*
2 *of combustion.*

3 *(b) As used in the following provisions, “firearm” includes the*
4 *frame or receiver of the weapon:*

5 *(1) Section 16550.*

6 *(2) Section 16730.*

7 *(3) Section 16960.*

8 *(4) Section 16990.*

9 *(5) Section 17070.*

10 *(6) Section 17310.*

11 *(7) Sections 26500 to 26588, inclusive.*

12 *(8) Sections 26600 to 27140, inclusive.*

13 *(9) Sections 27400 to 28000, inclusive.*

14 *(10) Section 28100.*

15 *(11) Sections 28400 to 28415, inclusive.*

16 *(12) Sections 29010 to 29150, inclusive.*

17 *(13) Sections 29610 to 29750, inclusive.*

18 *(14) Sections 29800 to 29905, inclusive.*

19 *(15) Sections 30150 to 30165, inclusive.*

20 *(16) Section 31615.*

21 *(17) Sections 31705 to 31830, inclusive.*

22 *(18) Sections 34355 to 34370, inclusive.*

23 *(19) Sections 8100, 8101, and 8103 of the Welfare and*
24 *Institutions Code.*

25 *(c) As used in the following provisions, “firearm” also includes*
26 *any rocket, rocket propelled projectile launcher, or similar device*
27 *containing any explosive or incendiary material whether or not*
28 *the device is designed for emergency or distress signaling*
29 *purposes:*

30 *(1) Section 16750.*

31 *(2) Subdivision (b) of Section 16840.*

32 *(3) Section 25400.*

33 *(4) Sections 25850 to 26025, inclusive.*

34 *(5) Subdivisions (a), (b), and (c) of Section 26030.*

35 *(6) Sections 26035 to 26055, inclusive.*

36 *(d) As used in the following provisions, “firearm” does not*
37 *include an unloaded antique firearm:*

38 *(1) Subdivisions (a) and (c) of Section 16730.*

39 *(2) Section 16550.*

40 *(3) Section 16960.*

- 1 (4) *Section 17310.*
- 2 (5) *Chapter 6 (commencing with Section 26350) of Division 5*
- 3 *of Title 4.*
- 4 (6) *Sections 26500 to 26588, inclusive.*
- 5 (7) *Sections 26700 to 26915, inclusive.*
- 6 (8) *Section 27510.*
- 7 (9) *Section 27530.*
- 8 (10) *Section 27540.*
- 9 (11) *Section 27545.*
- 10 (12) *Sections 27555 to 27570, inclusive.*
- 11 (13) *Sections 29010 to 29150, inclusive.*
- 12 (e) *As used in Sections 34005 and 34010, “firearm” does not*
- 13 *include a destructive device.*
- 14 (f) *As used in Sections 17280 and 24680, “firearm” has the*
- 15 *same meaning as in Section 922 of Title 18 of the United States*
- 16 *Code.*
- 17 (g) *As used in Sections 29010 to 29150, inclusive, “firearm”*
- 18 *includes the unfinished frame or receiver of a weapon that can be*
- 19 *readily converted to the functional condition of a finished frame*
- 20 *or receiver.*
- 21 SEC. 6.045. *Section 16650 is added to the Penal Code, to read:*
- 22 16650. (a) *As used in this part, “handgun ammunition” means*
- 23 *any variety of ammunition in the following calibers,*
- 24 *notwithstanding that the ammunition may also be used in some*
- 25 *rifles:*
- 26 (1) *.22.*
- 27 (2) *.25.*
- 28 (3) *.32.*
- 29 (4) *.38.*
- 30 (5) *.9mm.*
- 31 (6) *.10mm.*
- 32 (7) *.40.*
- 33 (8) *.41.*
- 34 (9) *.44.*
- 35 (10) *.45.*
- 36 (11) *5.7x28mm.*
- 37 (12) *.223.*
- 38 (13) *.357.*
- 39 (14) *.454.*
- 40 (15) *5.56x45mm.*

1 (16) 7.62x39.

2 (17) 7.63mm.

3 (18) 7.65mm.

4 (19) .50.

5 (b) As used in the part, “handgun ammunition” does not include
6 either of the following:

7 (1) Ammunition designed and intended to be used in an antique
8 firearm.

9 (2) Blanks.

10 SEC. 6.05. Section 16840 is added to the Penal Code, to read:

11 16840. (a) As used in Section 25800, a firearm shall be deemed
12 to be “loaded” whenever both the firearm and the unexpended
13 ammunition capable of being discharged from the firearm are in
14 the immediate possession of the same person.

15 (b) As used in Chapter 2 (commencing with Section 25100) of
16 Division 4 of Title 4, in subparagraph (A) of paragraph (6) of
17 subdivision (b) of Section 25400, and in Sections 25850 to 26055,
18 inclusive:

19 (1) A firearm shall be deemed to be “loaded” when there is an
20 unexpended cartridge or shell, consisting of a case that holds a
21 charge of powder and a bullet or shot, in, or attached in any
22 manner to, the firearm, including, but not limited to, in the firing
23 chamber, magazine, or clip thereof attached to the firearm.

24 (2) Notwithstanding paragraph (1), a muzzle-loader firearm
25 shall be deemed to be loaded when it is capped or primed and has
26 a powder charge and ball or shot in the barrel or cylinder.

27 SEC. 6.06. Section 17000 is added to the Penal Code, to read:

28 17000. (a) As used in this part, “personal handgun importer”
29 means an individual who meets all of the following criteria:

30 (1) The individual is not a person licensed pursuant to Sections
31 26700 to 26915, inclusive.

32 (2) The individual is not a licensed manufacturer of firearms
33 pursuant to Chapter 44 (commencing with Section 921) of Title
34 18 of the United States Code.

35 (3) The individual is not a licensed importer of firearms pursuant
36 to Chapter 44 (commencing with Section 921) of Title 18 of the
37 United States Code and the regulations issued pursuant thereto.

38 (4) The individual is the owner of a handgun.

39 (5) The individual acquired that handgun outside of California.

1 (6) *The individual moved into this state on or after January 1,*
2 *1998, as a resident of this state.*

3 (7) *The individual intends to possess that handgun within this*
4 *state on or after January 1, 1998.*

5 (8) *The handgun was not delivered to the individual by a person*
6 *licensed pursuant to Sections 26700 to 26915, inclusive, who*
7 *delivered that handgun following the procedures set forth in*
8 *Section 27540 and Sections 26700 to 26915, inclusive.*

9 (9) *The individual, while a resident of this state, had not*
10 *previously reported ownership of that handgun to the Department*
11 *of Justice in a manner prescribed by the department that included*
12 *information concerning the individual and a description of the*
13 *firearm.*

14 (10) *The handgun is not a firearm that is prohibited by any*
15 *provision listed in Section 16590.*

16 (11) *The handgun is not an assault weapon.*

17 (12) *The handgun is not a machinegun.*

18 (13) *The person is 18 years of age or older.*

19 (b) *For purposes of paragraph (6) of subdivision (a):*

20 (1) *Except as provided in paragraph (2), residency shall be*
21 *determined in the same manner as is the case for establishing*
22 *residency pursuant to Section 12505 of the Vehicle Code.*

23 (2) *In the case of a member of the Armed Forces of the United*
24 *States, residency shall be deemed to be established when the*
25 *individual was discharged from active service in this state.*

26 SEC. 6.07. *Section 17000 is added to the Penal Code, to read:*

27 17000. (a) *As used in this part, until July 1, 2012, any*
28 *reference to the term “personal firearm importer” shall be deemed*
29 *to mean “personal handgun importer” and, on and after July 1,*
30 *2012, any reference to the term “personal handgun importer”*
31 *shall be deemed to mean “personal firearm importer.” A “personal*
32 *handgun importer,” until July 1, 2012, and commencing July 1,*
33 *2012, a “personal firearm importer” means an individual who*
34 *meets all of the following criteria:*

35 (1) *The individual is not a person licensed pursuant to Sections*
36 *26700 to 26915, inclusive.*

37 (2) *The individual is not a licensed manufacturer of firearms*
38 *pursuant to Chapter 44 (commencing with Section 921) of Title*
39 *18 of the United States Code.*

1 (3) *The individual is not a licensed importer of firearms pursuant*
2 *to Chapter 44 (commencing with Section 921) of Title 18 of the*
3 *United States Code and the regulations issued pursuant thereto.*

4 (4) *The individual is the owner of a firearm.*

5 (5) *The individual acquired that firearm outside of California.*

6 (6) *The individual moved into this state on or after January 1,*
7 *1998, in the case of a handgun, or in the case of a firearm that is*
8 *not a handgun, on or after July 1, 2012, as a resident of this state.*

9 (7) *The individual intends to possess that handgun within this*
10 *state on or after January 1, 1998, or in the case of a firearm that*
11 *is not a handgun, the individual intends to possess that firearm*
12 *within this state on or after July 1, 2012.*

13 (8) *The firearm was not delivered to the individual by a person*
14 *licensed pursuant to Sections 26700 to 26915, inclusive, who*
15 *delivered that firearm following the procedures set forth in Section*
16 *27540 and Sections 26700 to 26915, inclusive.*

17 (9) *The individual, while a resident of this state, had not*
18 *previously reported ownership of that firearm to the Department*
19 *of Justice in a manner prescribed by the department that included*
20 *information concerning the individual and a description of the*
21 *firearm.*

22 (10) *The firearm is not a firearm that is prohibited by any*
23 *provision listed in Section 16590.*

24 (11) *The firearm is not an assault weapon.*

25 (12) *The firearm is not a machinegun.*

26 (13) *The person is 18 years of age or older.*

27 (b) *For purposes of paragraph (6) of subdivision (a):*

28 (1) *Except as provided in paragraph (2), residency shall be*
29 *determined in the same manner as is the case for establishing*
30 *residency pursuant to Section 12505 of the Vehicle Code.*

31 (2) *In the case of a member of the Armed Forces of the United*
32 *States, residency shall be deemed to be established when the*
33 *individual was discharged from active service in this state.*

34 SEC. 6.08. *Section 17040 is added to the Penal Code, to read:*

35 17040. *As used in Chapter 6 (commencing with Section 26350)*
36 *of Division 5 of Title 4, “public place” has the same meaning as*
37 *in Section 25850.*

38 SEC. 6.09. *Section 17295 is added to the Penal Code, to read:*

39 17295. *For purposes of Chapter 6 (commencing with Section*
40 *26350) of Division 5 of Title 4, a handgun shall be deemed*

1 “unloaded” if it is not “loaded” within the meaning of subdivision
2 (b) of Section 16840.

3 SEC. 6.10. Section 17510 is added to the Penal Code, to read:

4 17510. (a) Any person who does any of the following acts
5 while engaged in picketing, or other informational activities in a
6 public place relating to a concerted refusal to work, is guilty of a
7 misdemeanor:

8 (1) Carries concealed upon the person, or within any vehicle
9 which is under the person’s control or direction, any handgun.

10 (2) Carries a loaded firearm upon the person or within any
11 vehicle that is under the person’s control or direction.

12 (3) Carries a deadly weapon.

13 (4) Openly carries an unloaded handgun upon the person
14 outside of a vehicle.

15 (b) This section shall not be construed to authorize or ratify
16 any picketing or other informational activities not otherwise
17 authorized by law.

18 (c) The following provisions shall not be construed to authorize
19 any conduct described in paragraph (1) of subdivision (a):

20 (1) Article 2 (commencing with Section 25450) of Chapter 2 of
21 Division 5 of Title 4.

22 (2) Sections 25615 to 25655, inclusive.

23 (d) Sections 25900 to 26020, inclusive, shall not be construed
24 to authorize any conduct described in paragraph (2) of subdivision
25 (a).

26 (e) Article 2 (commencing with Section 26361) of Chapter 6 of
27 Division 5 of Title 4 shall not be construed to authorize any conduct
28 described in paragraph (4) of subdivision (a).

29 SEC. 6.11. Section 22295 is added to the Penal Code, to read:

30 22295. (a) Nothing in any provision listed in Section 16580
31 prohibits any police officer, special police officer, peace officer,
32 or law enforcement officer from carrying any wooden club or
33 baton.

34 (b) Nothing in any provision listed in Section 16580 prohibits
35 a uniformed security guard, regularly employed and compensated
36 by a person engaged in any lawful business, while actually
37 employed and engaged in protecting and preserving property or
38 life within the scope of employment, from carrying any wooden
39 club or baton if the uniformed security guard has satisfactorily
40 completed a course of instruction certified by the Department of

1 *Consumer Affairs in the carrying and use of the club or baton.*
2 *The training institution certified by the Department of Consumer*
3 *Affairs to present this course, whether public or private, is*
4 *authorized to charge a fee covering the cost of the training.*

5 *(c) The Department of Consumer Affairs, in cooperation with*
6 *the Commission on Peace Officer Standards and Training, shall*
7 *develop standards for a course in the carrying and use of a club*
8 *or baton.*

9 *(d) Any uniformed security guard who successfully completes*
10 *a course of instruction under this section is entitled to receive a*
11 *permit to carry and use a club or baton within the scope of*
12 *employment, issued by the Department of Consumer Affairs. The*
13 *department may authorize a certified training institution to issue*
14 *permits to carry and use a club or baton. A fee in the amount*
15 *provided by law shall be charged by the Department of Consumer*
16 *Affairs to offset the costs incurred by the department in course*
17 *certification, quality control activities associated with the course,*
18 *and issuance of the permit.*

19 *(e) Any person who has received a permit or certificate that*
20 *indicates satisfactory completion of a club or baton training course*
21 *approved by the Commission on Peace Officer Standards and*
22 *Training prior to January 1, 1983, shall not be required to obtain*
23 *a club or baton permit or complete a course certified by the*
24 *Department of Consumer Affairs.*

25 *(f) Any person employed as a county sheriff's or police security*
26 *officer, as defined in Section 831.4, shall not be required to obtain*
27 *a club or baton permit or to complete a course certified by the*
28 *Department of Consumer Affairs in the carrying and use of a club*
29 *or baton, provided that the person completes a course approved*
30 *by the Commission on Peace Officer Standards and Training in*
31 *the carrying and use of the club or baton, within 90 days of*
32 *employment.*

33 *(g) Nothing in any provision listed in Section 16580 prohibits*
34 *an animal control officer, as described in Section 830.9, or an*
35 *illegal dumping enforcement officer, as described in Section 830.7,*
36 *from carrying any wooden club or baton if the animal control*
37 *officer or illegal dumping enforcement officer has satisfactorily*
38 *completed the course of instruction certified by the Commission*
39 *on Peace Officer Standards and Training in the carrying and use*
40 *of the club or baton. The training institution certified by the*

1 *Commission on Peace Officer Standards and Training to present*
2 *this course, whether public or private, is authorized to charge a*
3 *fee covering the cost of the training.*

4 *SEC. 6.12. Section 25400 is added to the Penal Code, to read:*
5 *25400. (a) A person is guilty of carrying a concealed firearm*
6 *when the person does any of the following:*

7 *(1) Carries concealed within any vehicle that is under the*
8 *person's control or direction any handgun.*

9 *(2) Carries concealed upon the person any handgun.*

10 *(3) Causes to be carried concealed within any vehicle in which*
11 *the person is an occupant any handgun.*

12 *(b) Carrying a concealed firearm in violation of this section is*
13 *punishable as follows:*

14 *(1) If the person previously has been convicted of any felony,*
15 *or of any crime made punishable by a provision listed in Section*
16 *16580, as a felony.*

17 *(2) If the firearm is stolen and the person knew or had*
18 *reasonable cause to believe that it was stolen, as a felony.*

19 *(3) If the person is an active participant in a criminal street*
20 *gang, as defined in subdivision (a) of Section 186.22, under the*
21 *Street Terrorism Enforcement and Prevention Act (Chapter 11*
22 *(commencing with Section 186.20) of Title 7 of Part 1), as a felony.*

23 *(4) If the person is not in lawful possession of the firearm or*
24 *the person is within a class of persons prohibited from possessing*
25 *or acquiring a firearm pursuant to Chapter 2 (commencing with*
26 *Section 29800) or Chapter 3 (commencing with Section 29900) of*
27 *Division 9 of this title, or Section 8100 or 8103 of the Welfare and*
28 *Institutions Code, as a felony.*

29 *(5) If the person has been convicted of a crime against a person*
30 *or property, or of a narcotics or dangerous drug violation, by*
31 *imprisonment in the state prison, or by imprisonment in a county*
32 *jail not to exceed one year, by a fine not to exceed one thousand*
33 *dollars (\$1,000), or by both that imprisonment and fine.*

34 *(6) If both of the following conditions are met, by imprisonment*
35 *in the state prison, or by imprisonment in a county jail not to*
36 *exceed one year, by a fine not to exceed one thousand dollars*
37 *(\$1,000), or by both that fine and imprisonment:*

38 *(A) The handgun is loaded, or both it and the unexpended*
39 *ammunition capable of being discharged from it are in the*

1 *immediate possession of the person or readily accessible to that*
2 *person.*

3 *(B) The person is not listed with the Department of Justice*
4 *pursuant to paragraph (1) of subdivision (c) of Section 11106 as*
5 *the registered owner of that handgun.*

6 *(7) In all cases other than those specified in paragraphs (1) to*
7 *(6), inclusive, by imprisonment in a county jail not to exceed one*
8 *year, by a fine not to exceed one thousand dollars (\$1,000), or by*
9 *both that imprisonment and fine.*

10 *(c) (1) Every person convicted under this section who previously*
11 *has been convicted of a misdemeanor offense enumerated in*
12 *Section 23515 shall be punished by imprisonment in a county jail*
13 *for at least three months and not exceeding six months, or, if*
14 *granted probation, or if the execution or imposition of sentence is*
15 *suspended, it shall be a condition thereof that the person be*
16 *imprisoned in a county jail for at least three months.*

17 *(2) Every person convicted under this section who has previously*
18 *been convicted of any felony, or of any crime made punishable by*
19 *a provision listed in Section 16580, if probation is granted, or if*
20 *the execution or imposition of sentence is suspended, it shall be a*
21 *condition thereof that the person be imprisoned in a county jail*
22 *for not less than three months.*

23 *(d) The court shall apply the three-month minimum sentence as*
24 *specified in subdivision (c), except in unusual cases where the*
25 *interests of justice would best be served by granting probation or*
26 *suspending the imposition or execution of sentence without the*
27 *minimum imprisonment required in subdivision (c) or by granting*
28 *probation or suspending the imposition or execution of sentence*
29 *with conditions other than those set forth in subdivision (c), in*
30 *which case, the court shall specify on the record and shall enter*
31 *on the minutes the circumstances indicating that the interests of*
32 *justice would best be served by that disposition.*

33 *(e) A peace officer may arrest a person for a violation of*
34 *paragraph (6) of subdivision (b) if the peace officer has probable*
35 *cause to believe that the person is not listed with the Department*
36 *of Justice pursuant to paragraph (1) of subdivision (c) of Section*
37 *11106 as the registered owner of the handgun, and one or more*
38 *of the conditions in subparagraph (A) of paragraph (6) of*
39 *subdivision (b) are met.*

40 *SEC. 6.13. Section 25590 is added to the Penal Code, to read:*

1 25590. Section 25400 does not apply to, or affect, the
2 transportation by a member of an organization of a firearm directly
3 to, or directly from, official parade duty or ceremonial occasions
4 of that organization, or a place for the purpose of rehearsing or
5 practicing for official parade duty or ceremonial occasions of that
6 organization, if the organization is chartered by the Congress of
7 the United States, or is a nonprofit mutual or public benefit
8 corporation organized and recognized as a nonprofit tax-exempt
9 organization by the Internal Revenue Service.

10 SEC. 6.14. Section 25595 is added to the Penal Code, to read:
11 25595. This article does not prohibit or limit the otherwise
12 lawful carrying or transportation of any handgun in accordance
13 with the provisions listed in Section 16580.

14 SEC. 6.15. Section 25605 is added to the Penal Code, to read:

15 25605. (a) Section 25400 and Chapter 6 (commencing with
16 Section 26350) of Division 5 shall not apply to or affect any citizen
17 of the United States or legal resident over the age of 18 years who
18 resides or is temporarily within this state, and who is not within
19 the excepted classes prescribed by Chapter 2 (commencing with
20 Section 29800) or Chapter 3 (commencing with Section 29900) of
21 Division 9 of this title, or Section 8100 or 8103 of the Welfare and
22 Institutions Code, who carries, either openly or concealed,
23 anywhere within the citizen's or legal resident's place of residence,
24 place of business, or on private property owned or lawfully
25 possessed by the citizen or legal resident, any handgun.

26 (b) No permit or license to purchase, own, possess, keep, or
27 carry, either openly or concealed, shall be required of any citizen
28 of the United States or legal resident over the age of 18 years who
29 resides or is temporarily within this state, and who is not within
30 the excepted classes prescribed by Chapter 2 (commencing with
31 Section 29800) or Chapter 3 (commencing with Section 29900) of
32 Division 9 of this title, or Section 8100 or 8103 of the Welfare and
33 Institutions Code, to purchase, own, possess, keep, or carry, either
34 openly or concealed, a handgun within the citizen's or legal
35 resident's place of residence, place of business, or on private
36 property owned or lawfully possessed by the citizen or legal
37 resident.

38 (c) Nothing in this section shall be construed as affecting the
39 application of Sections 25850 to 26055, inclusive.

1 *SEC. 6.16. Chapter 6 (commencing with Section 26350) is*
2 *added to Division 5 of Title 4 of Part 6 of the Penal Code, to read:*

3
4 *CHAPTER 6. OPENLY CARRYING AN UNLOADED HANDGUN*

5
6 *Article 1. Crime of Openly Carrying an Unloaded Handgun*
7

8 26350. (a) *A person is guilty of openly carrying an unloaded*
9 *handgun when that person carries upon the person an exposed*
10 *and unloaded handgun outside a vehicle while in any public place*
11 *or on any public street in an incorporated city or in any public*
12 *place or on any public street in a prohibited area of an*
13 *unincorporated territory.*

14 (b) *A violation of this section is punishable by imprisonment in*
15 *a county jail not to exceed six months, by a fine not to exceed one*
16 *thousand dollars (\$1,000), or by both that fine and imprisonment.*

17 (c) (1) *Nothing in this section shall preclude prosecution under*
18 *Chapter 2 (commencing with Section 29800) or Chapter 3*
19 *(commencing with Section 29900) of Division 9 of Title 4, Section*
20 *8100 or 8103 of the Welfare and Institutions Code, or any other*
21 *law with a penalty greater than is set forth in this section.*

22 (2) *The provisions of this section are cumulative, and shall not*
23 *be construed as restricting the application of any other law.*
24 *However, an act or omission punishable in different ways by*
25 *different provisions of law shall not be punished under more than*
26 *one provision.*

27 (d) *Notwithstanding the fact that the term “an unloaded*
28 *handgun” is used in this section, each handgun shall constitute a*
29 *distinct and separate offense under this section.*
30

31 *Article 2. Exemptions*
32

33 26361. *Section 26350 does not apply to, or affect, the open*
34 *carrying of an unloaded handgun by any peace officer or any*
35 *honorably retired peace officer if that officer may carry a*
36 *concealed firearm pursuant to Article 2 (commencing with Section*
37 *25450) of Chapter 2, or a loaded firearm pursuant to Article 3*
38 *(commencing with Section 25900) of Chapter 3.*

39 26362. *Section 26350 does not apply to, or affect, the open*
40 *carrying of an unloaded handgun by any person to the extent that*

1 *person may carry a loaded firearm pursuant to Article 4*
2 *(commencing with Section 26000) of Chapter 3.*

3 *26363. Section 26350 does not apply to, or affect, the open*
4 *carrying of an unloaded handgun as merchandise by a person who*
5 *is engaged in the business of manufacturing, importing,*
6 *wholesaling, repairing, or dealing in firearms and who is licensed*
7 *to engage in that business, or the authorized representative or*
8 *authorized agent of that person, while engaged in the lawful course*
9 *of the business.*

10 *26364. Section 26350 does not apply to, or affect, the open*
11 *carrying of an unloaded handgun by a duly authorized military or*
12 *civil organization, or the members thereof, while parading or while*
13 *rehearsing or practicing parading, when at the meeting place of*
14 *the organization.*

15 *26365. Section 26350 does not apply to, or affect, the open*
16 *carrying of an unloaded handgun by a member of any club or*
17 *organization organized for the purpose of practicing shooting at*
18 *targets upon established target ranges, whether public or private,*
19 *while the members are using handguns upon the target ranges or*
20 *incident to the use of a handgun at that target range.*

21 *26366. Section 26350 does not apply to, or affect, the open*
22 *carrying of an unloaded handgun by a licensed hunter while*
23 *engaged in hunting or while transporting that handgun when going*
24 *to or returning from that hunting expedition.*

25 *26367. Section 26350 does not apply to, or affect, the open*
26 *carrying of an unloaded handgun incident to transportation of a*
27 *handgun by a person operating a licensed common carrier, or by*
28 *an authorized agent or employee thereof, when transported in*
29 *conformance with applicable federal law.*

30 *26368. Section 26350 does not apply to, or affect, the open*
31 *carrying of an unloaded handgun by a member of an organization*
32 *chartered by the Congress of the United States or a nonprofit*
33 *mutual or public benefit corporation organized and recognized as*
34 *a nonprofit tax-exempt organization by the Internal Revenue*
35 *Service while on official parade duty or ceremonial occasions of*
36 *that organization or while rehearsing or practicing for official*
37 *parade duty or ceremonial occasions.*

38 *26369. Section 26350 does not apply to, or affect, the open*
39 *carrying of an unloaded handgun within a gun show conducted*

1 pursuant to Article 1 (commencing with Section 27200) and Article
2 2 (commencing with Section 27300) of Chapter 3 of Division 6.

3 26370. Section 26350 does not apply to, or affect, the open
4 carrying of an unloaded handgun within a school zone, as defined
5 in Section 626.9, with the written permission of the school district
6 superintendent, the superintendent's designee, or equivalent school
7 authority.

8 26371. Section 26350 does not apply to, or affect, the open
9 carrying of an unloaded handgun when in accordance with the
10 provisions of Section 171b.

11 26372. Section 26350 does not apply to, or affect, the open
12 carrying of an unloaded handgun by any person while engaged in
13 the act of making or attempting to make a lawful arrest.

14 26373. Section 26350 does not apply to, or affect, the open
15 carrying of an unloaded handgun incident to loaning, selling, or
16 transferring that handgun in accordance with Article 1
17 (commencing with Section 27500) of Chapter 4 of Division 6, or
18 in accordance with any of the exemptions from Section 27545, so
19 long as that handgun is possessed within private property and the
20 possession and carrying is with the permission of the owner or
21 lessee of that private property.

22 26374. Section 26350 does not apply to, or affect, the open
23 carrying of an unloaded handgun by a person engaged in
24 firearms-related activities, while on the premises of a fixed place
25 of business which is licensed to conduct and conducts, as a regular
26 course of its business, activities related to the sale, making, repair,
27 transfer, pawn, or the use of firearms, or related to firearms
28 training.

29 26375. Section 26350 does not apply to, or affect, the open
30 carrying of an unloaded handgun by an authorized participant in,
31 or an authorized employee or agent of a supplier of firearms for,
32 a motion picture, television or video production, or entertainment
33 event, when the participant lawfully uses the handgun as part of
34 that production or event, as part of rehearsing or practicing for
35 participation in that production or event, or while the participant
36 or authorized employee or agent is at that production or event, or
37 rehearsal or practice for that production or event.

38 26376. Section 26350 does not apply to, or affect, the open
39 carrying of an unloaded handgun incident to obtaining an

1 identification number or mark assigned for that handgun from the
2 Department of Justice pursuant to Section 23910.

3 26377. Section 26350 does not apply to, or affect, the open
4 carrying of an unloaded handgun at any established target range,
5 whether public or private, while the person is using the handgun
6 upon the target range.

7 26378. Section 26350 does not apply to, or affect, the open
8 carrying of an unloaded handgun by a person when that person
9 is summoned by a peace officer to assist in making arrests or
10 preserving the peace, while the person is actually engaged in
11 assisting that officer.

12 26379. Section 26350 does not apply to, or affect, the open
13 carrying of an unloaded handgun incident to any of the following:

14 (a) Complying with Section 27560 or 27565, as it pertains to
15 that handgun.

16 (b) Section 28000, as it pertains to that handgun.

17 (c) Section 27850 or 31725, as it pertains to that handgun.

18 (d) Complying with Section 27870 or 27875, as it pertains to
19 that handgun.

20 (e) Complying with Section 27915, 27920, or 27925, as it
21 pertains to that handgun.

22 26380. Section 26350 does not apply to, or affect, the open
23 carrying of an unloaded handgun incident to, and in the course
24 and scope of, training of or by an individual to become a sworn
25 peace officer as part of a course of study approved by the
26 Commission on Peace Officer Standards and Training.

27 26381. Section 26350 does not apply to, or affect, the open
28 carrying of an unloaded handgun incident to, and in the course
29 and scope of, training of or by an individual to become licensed
30 pursuant to Chapter 4 (commencing with Section 26150) as part
31 of a course of study necessary or authorized by the person
32 authorized to issue the license pursuant to that chapter.

33 26382. Section 26350 does not apply to, or affect, the open
34 carrying of an unloaded handgun incident to and at the request
35 of a sheriff or chief or other head of a municipal police department.

36 26383. Section 26350 does not apply to, or affect, the open
37 carrying of an unloaded handgun by a person when done within
38 a place of business, a place of residence, or on private property,
39 if done with the permission of a person who, by virtue of
40 subdivision (a) of Section 25605, may carry openly an unloaded

1 handgun within that place of business, place of residence, or on
2 that private property owned or lawfully possessed by that person.

3 26384. Section 26350 does not apply to, or affect, the open
4 carrying of an unloaded handgun if all of the following conditions
5 are satisfied:

6 (a) The open carrying occurs at an auction or similar event of
7 a nonprofit public benefit or mutual benefit corporation, at which
8 firearms are auctioned or otherwise sold to fund the activities of
9 that corporation or the local chapters of that corporation.

10 (b) The unloaded handgun is to be auctioned or otherwise sold
11 for that nonprofit public benefit or mutual benefit corporation.

12 (c) The unloaded handgun is to be delivered by a person licensed
13 pursuant to, and operating in accordance with, Sections 26700 to
14 26925, inclusive.

15 26385. (a) The open carrying of an unloaded handgun
16 pursuant to paragraph (3) of subdivision (b) of Section 171c is
17 not a violation of Section 26350.

18 (b) Operation of this section is contingent on AB 2668 adding
19 Section 171c to the Penal Code, and being enacted and becoming
20 effective on or before January 1, 2011.

21 26386. (a) The open carrying of an unloaded handgun
22 pursuant to subparagraph (F) of paragraph (1) subdivision (c) of
23 Section 171.7 is not a violation of Section 26350.

24 (b) Operation of this section is contingent on AB 2324 adding
25 Section 171.7 to the Penal Code, and being enacted and becoming
26 effective on or before January 1, 2011.

27 SEC. 6.17. Section 26600 is added to the Penal Code, to read:

28 26600. (a) Section 26500 does not apply to any sale, delivery,
29 or transfer of firearms made to an authorized law enforcement
30 representative of any city, county, city and county, or state, or of
31 the federal government, for exclusive use by that governmental
32 agency if, prior to the sale, delivery, or transfer of these firearms,
33 written authorization from the head of the agency authorizing the
34 transaction is presented to the person from whom the purchase,
35 delivery, or transfer is being made.

36 (b) Proper written authorization is defined as verifiable written
37 certification from the head of the agency by which the purchaser
38 or transferee is employed, identifying the employee as an individual
39 authorized to conduct the transaction, and authorizing the

1 *transaction for the exclusive use of the agency by which that person*
2 *is employed.*

3 *(c) Within 10 days of the date a handgun, and commencing July*
4 *1, 2012, any firearm, is acquired by the agency, a record of the*
5 *same shall be entered as an institutional weapon into the*
6 *Automated Firearms System (AFS) via the California Law*
7 *Enforcement Telecommunications System (CLETS) by the law*
8 *enforcement or state agency. Any agency without access to AFS*
9 *shall arrange with the sheriff of the county in which the agency is*
10 *located to input this information via this system.*

11 *SEC. 6.18. Section 26610 is added to the Penal Code, to read:*

12 *26610. (a) Section 26500 does not apply to the sale, delivery,*
13 *or transfer of a firearm by a law enforcement agency to a peace*
14 *officer pursuant to Section 10334 of the Public Contract Code.*

15 *(b) Within 10 days of the date that a handgun, and commencing*
16 *July 1, 2012, any firearm, is sold, delivered, or transferred*
17 *pursuant to Section 10334 of the Public Contract Code to that*
18 *peace officer, the name of the officer and the make, model, serial*
19 *number, and other identifying characteristics of the firearm being*
20 *sold, delivered, or transferred shall be entered into the Automated*
21 *Firearms System (AFS) via the California Law Enforcement*
22 *Telecommunications System (CLETS) by the law enforcement or*
23 *state agency that sold, delivered, or transferred the firearm. Any*
24 *agency without access to AFS shall arrange with the sheriff of the*
25 *county in which the agency is located to input this information via*
26 *this system.*

27 *SEC. 6.19. Section 26615 is added to the Penal Code, to read:*

28 *26615. (a) Section 26500 does not apply to the sale, delivery,*
29 *or transfer of a firearm by a law enforcement agency to a retiring*
30 *peace officer who is authorized to carry a firearm pursuant to*
31 *Chapter 5 (commencing with Section 26300) of Division 5.*

32 *(b) Within 10 days of the date that a handgun, and commencing*
33 *July 1, 2012, any firearm, is sold, delivered, or transferred to that*
34 *retiring peace officer, the name of the officer and the make, model,*
35 *serial number, and other identifying characteristics of the firearm*
36 *being sold, delivered, or transferred shall be entered into the*
37 *Automated Firearms System (AFS) via the California Law*
38 *Enforcement Telecommunications System (CLETS) by the law*
39 *enforcement or state agency that sold, delivered, or transferred*
40 *the firearm. Any agency without access to AFS shall arrange with*

1 *the sheriff of the county in which the agency is located to input*
2 *this information via this system.*

3 *SEC. 6.20. Section 26805 is added to the Penal Code, to read:*

4 *26805. (a) Except as provided in subdivisions (b) and (c), the*
5 *business of a licensee shall be conducted only in the buildings*
6 *designated in the license.*

7 *(b) (1) A person licensed pursuant to Sections 26700 and 26705*
8 *may take possession of firearms and commence preparation of*
9 *registers for the sale, delivery, or transfer of firearms at any gun*
10 *show or event, as defined in Section 478.100 of Title 27 of the*
11 *Code of Federal Regulations, or its successor, if the gun show or*
12 *event is not conducted from any motorized or towed vehicle. A*
13 *person conducting business pursuant to this subdivision shall be*
14 *entitled to conduct business as authorized herein at any gun show*
15 *or event in the state, without regard to the jurisdiction within this*
16 *state that issued the license pursuant to Sections 26700 and 26705,*
17 *provided the person complies with all applicable laws, including,*
18 *but not limited to, the waiting period specified in subdivision (a)*
19 *of Section 26815, and all applicable local laws, regulations, and*
20 *fees, if any.*

21 *(2) A person conducting business pursuant to this subdivision*
22 *shall publicly display the person's license issued pursuant to*
23 *Sections 26700 and 26705, or a facsimile thereof, at any gun show*
24 *or event, as specified in this subdivision.*

25 *(c) (1) A person licensed pursuant to Sections 26700 and 26705*
26 *may engage in the sale and transfer of firearms other than*
27 *handguns, at events specified in Sections 26955, 27655, 27900,*
28 *and 27905, subject to the prohibitions and restrictions contained*
29 *in those sections.*

30 *(2) A person licensed pursuant to Sections 26700 and 26705*
31 *may also accept delivery of firearms other than handguns, outside*
32 *the building designated in the license, provided the firearm is being*
33 *donated for the purpose of sale or transfer at an auction or similar*
34 *event specified in Section 27900.*

35 *(d) The firearm may be delivered to the purchaser, transferee,*
36 *or person being loaned the firearm at one of the following places:*

37 *(1) The building designated in the license.*

38 *(2) The places specified in subdivision (b) or (c).*

1 (3) *The place of residence of, the fixed place of business of, or*
2 *on private property owned or lawfully possessed by, the purchaser,*
3 *transferee, or person being loaned the firearm.*

4 SEC. 6.21. *Section 26820 is added to the Penal Code, to read:*

5 26820. *No handgun or imitation thereof, or placard advertising*
6 *the sale or other transfer thereof, shall be displayed in any part*
7 *of the premises where it can readily be seen from the outside.*

8 SEC. 6.22. *Section 26840 is added to the Penal Code, to read:*

9 26840. (a) *Commencing April 1, 1994, and until January 1,*
10 *2003, no pistol, revolver, or other firearm capable of being*
11 *concealed upon the person shall be delivered unless the purchaser,*
12 *transferee, or person being loaned the firearm presents to the*
13 *dealer a basic firearms safety certificate.*

14 (b) *No dealer may deliver a handgun unless the person receiving*
15 *the handgun presents to the dealer a valid handgun safety*
16 *certificate. The firearms dealer shall retain a photocopy of the*
17 *handgun safety certificate as proof of compliance with this*
18 *requirement.*

19 SEC. 6.23. *Section 26845 is added to the Penal Code, to read:*

20 26845. (a) *No handgun may be delivered unless the purchaser,*
21 *transferee, or person being loaned the firearm presents*
22 *documentation indicating that the person is a California resident.*

23 (b) *Satisfactory documentation shall include a utility bill from*
24 *within the last three months, a residential lease, a property deed,*
25 *or military permanent duty station orders indicating assignment*
26 *within this state, or other evidence of residency as permitted by*
27 *the Department of Justice.*

28 (c) *The firearms dealer shall retain a photocopy of the*
29 *documentation as proof of compliance with this requirement.*

30 SEC. 6.24. *Section 26850 is added to the Penal Code, to read:*

31 26850. (a) *Except as authorized by the department, no firearms*
32 *dealer may deliver a handgun unless the recipient performs a safe*
33 *handling demonstration with that handgun.*

34 (b) *The safe handling demonstration shall commence with the*
35 *handgun unloaded and locked with the firearm safety device with*
36 *which it is required to be delivered, if applicable. While*
37 *maintaining muzzle awareness, that is, the firearm is pointed in a*
38 *safe direction, preferably down at the ground, and trigger*
39 *discipline, that is, the trigger finger is outside of the trigger guard*

1 *and along side of the handgun frame, at all times, the handgun*
2 *recipient shall correctly and safely perform the following:*

3 *(1) If the handgun is a semiautomatic pistol, the steps listed in*
4 *Section 26853.*

5 *(2) If the handgun is a double-action revolver, the steps listed*
6 *in Section 26856.*

7 *(3) If the handgun is a single-action revolver, the steps listed*
8 *in Section 26859.*

9 *(c) The recipient shall receive instruction regarding how to*
10 *render that handgun safe in the event of a jam.*

11 *(d) The firearms dealer shall sign and date an affidavit stating*
12 *that the requirements of subdivisions (a) and (b) have been met.*
13 *The firearms dealer shall additionally obtain the signature of the*
14 *handgun purchaser on the same affidavit. The firearms dealer*
15 *shall retain the original affidavit as proof of compliance with this*
16 *requirement.*

17 *(e) The recipient shall perform the safe handling demonstration*
18 *for a department-certified instructor.*

19 *(f) No demonstration shall be required if the dealer is returning*
20 *the handgun to the owner of the handgun.*

21 *(g) Department-certified instructors who may administer the*
22 *safe handling demonstration shall meet the requirements set forth*
23 *in subdivision (b) of Section 31635.*

24 *(h) The persons who are exempt from the requirements of*
25 *subdivision (a) of Section 31615, pursuant to Section 31700, are*
26 *also exempt from performing the safe handling demonstration.*

27 *SEC. 6.25. Section 26865 is added to the Penal Code, to read:*
28 *26865. The licensee shall offer to provide the purchaser or*
29 *transferee of a firearm, or person being loaned a firearm, with a*
30 *copy of the pamphlet described in Section 34205, and may add the*
31 *cost of the pamphlet, if any, to the sales price of the firearm.*

32 *SEC. 6.26. Section 26890 is added to the Penal Code, to read:*
33 *26890. (a) Except as provided in subdivisions (b) and (c) of*
34 *Section 26805, any time when the licensee is not open for business,*
35 *all inventory firearms shall be stored in the licensed location. All*
36 *firearms shall be secured using one of the following methods as*
37 *to each particular firearm:*

38 *(1) Store the firearm in a secure facility that is a part of, or that*
39 *constitutes, the licensee's business premises.*

1 (2) *Secure the firearm with a hardened steel rod or cable of at*
2 *least one-eighth inch in diameter through the trigger guard of the*
3 *firearm. The steel rod or cable shall be secured with a hardened*
4 *steel lock that has a shackle. The lock and shackle shall be*
5 *protected or shielded from the use of a boltcutter and the rod or*
6 *cable shall be anchored in a manner that prevents the removal of*
7 *the firearm from the premises.*

8 (3) *Store the firearm in a locked fireproof safe or vault in the*
9 *licensee's business premises.*

10 (b) *The licensing authority in an unincorporated area of a*
11 *county or within a city may impose security requirements that are*
12 *more strict or are at a higher standard than those specified in*
13 *subdivision (a).*

14 (c) *Upon written request from a licensee, the licensing authority*
15 *may grant an exemption from compliance with the requirements*
16 *of subdivision (a) if the licensee is unable to comply with those*
17 *requirements because of local ordinances, covenants, lease*
18 *conditions, or similar circumstances not under the control of the*
19 *licensee.*

20 (d) *Subdivision (a) or (b) shall not apply to a licensee organized*
21 *as a nonprofit public benefit corporation pursuant to Part 2*
22 *(commencing with Section 5110) of Division 2 of the Corporations*
23 *Code, or as a mutual benefit corporation pursuant to Part 3*
24 *(commencing with Section 7110) of Division 2 of the Corporations*
25 *Code, if both of the following conditions are satisfied:*

26 (1) *The nonprofit public benefit or mutual benefit corporation*
27 *obtained the dealer's license solely and exclusively to assist that*
28 *corporation or local chapters of that corporation in conducting*
29 *auctions or similar events at which firearms are auctioned off to*
30 *fund the activities of that corporation or the local chapters of the*
31 *corporation.*

32 (2) *The firearms are not handguns.*

33 SEC. 6.27. *Section 26905 is added to the Penal Code, to read:*

34 26905. (a) *On the date of receipt, a licensee shall report to*
35 *the Department of Justice, in a format prescribed by the*
36 *department, the acquisition by the licensee of the ownership of a*
37 *handgun, and commencing July 1, 2012, of any firearm.*

38 (b) *The provisions of this section shall not apply to any of the*
39 *following transactions:*

1 (1) A transaction subject to the provisions of Sections 26960
2 and 27660.

3 (2) The dealer acquired the firearm from a wholesaler.

4 (3) The dealer acquired the firearm from a person who is
5 licensed as a manufacturer or importer to engage in those activities
6 pursuant to Chapter 44 (commencing with Section 921) of Title
7 18 of the United States Code and any regulations issued pursuant
8 thereto.

9 (4) The dealer acquired the firearm from a person who resides
10 outside this state who is licensed pursuant to Chapter 44
11 (commencing with Section 921) of Title 18 of the United States
12 Code and any regulations issued pursuant thereto.

13 (5) The dealer is also licensed as a secondhand dealer pursuant
14 to Article 4 (commencing with Section 21625) of Chapter 9 of
15 Division 8 of the Business and Professions Code, acquires a
16 handgun, and reports its acquisition pursuant to Section 21628.2
17 of the Business and Professions Code.

18 SEC. 6.28. Section 26955 is added to the Penal Code, to read:

19 26955. (a) The waiting period described in Section 26815
20 does not apply to a dealer who delivers a firearm, other than a
21 handgun, at an auction or similar event described in Section 27900,
22 as authorized by subdivision (c) of Section 26805.

23 (b) Within two business days of completion of the application
24 to purchase, the dealer shall forward by prepaid mail to the
25 Department of Justice a report of the application as is indicated
26 in Section 28160 or 28165, as applicable.

27 (c) If the electronic or telephonic transfer of applicant
28 information is used, within two business days of completion of the
29 application to purchase, the dealer delivering the firearm shall
30 transmit to the Department of Justice an electronic or telephonic
31 report of the application as is indicated in Section 28160 or 28165,
32 as applicable.

33 SEC. 6.29. Section 26960 is added to the Penal Code, to read:

34 26960. (a) The waiting period described in Section 26815
35 does not apply to the sale, delivery, or transfer of a handgun, and
36 commencing July 1, 2012, a firearm that is not a handgun, by a
37 dealer in either of the following situations:

38 (1) The dealer is delivering the firearm to another dealer, the
39 firearm is not intended as merchandise in the receiving dealer's

1 *business, and the requirements of subdivisions (b) and (c) are*
2 *satisfied.*

3 *(2) The dealer is delivering the firearm to himself or herself,*
4 *the firearm is not intended as merchandise in the dealer's business,*
5 *and the requirements of subdivision (c) are satisfied.*

6 *(b) If the dealer is receiving the firearm from another dealer,*
7 *the dealer receiving the firearm shall present proof to the dealer*
8 *delivering the firearm that the receiving dealer is licensed pursuant*
9 *to Article 1 (commencing with Section 26700) and Article 2*
10 *(commencing with Section 26800). This shall be done by complying*
11 *with Section 27555.*

12 *(c) (1) Regardless of whether the dealer is selling, delivering,*
13 *or transferring the firearm to another dealer or to himself or*
14 *herself, on the date that the application to purchase is completed,*
15 *the dealer delivering the firearm shall forward by prepaid mail to*
16 *the Department of Justice a report of the application and the type*
17 *of information concerning the purchaser or transferee as is*
18 *indicated in Section 28160.*

19 *(2) Where electronic or telephonic transfer of applicant*
20 *information is used, on the date that the application to purchase*
21 *is completed, the dealer delivering the firearm shall transmit an*
22 *electronic or telephonic report of the application and the type of*
23 *information concerning the purchaser or transferee as is indicated*
24 *in Section 28160.*

25 *SEC. 6.30. Section 26965 is added to the Penal Code, to read:*
26 *26965. (a) The waiting period described in Section 26815*
27 *does not apply to the sale, delivery, or transfer of a firearm to the*
28 *holder of a special weapons permit issued by the Department of*
29 *Justice pursuant to Section 32650 or 33300, pursuant to Article*
30 *3 (commencing with Section 18900) of Chapter 1 of Division 5 of*
31 *Title 2, or pursuant to Article 4 (commencing with Section 32700)*
32 *of Chapter 6 of Division 10 of this title.*

33 *(b) On the date that the application to purchase is completed,*
34 *the dealer delivering the firearm shall transmit to the Department*
35 *of Justice an electronic or telephonic report of the application as*
36 *is indicated in Section 28160 or 28165, as applicable.*

37 *SEC. 6.31. Section 27050 is added to the Penal Code, to read:*
38 *27050. (a) Article 1 (commencing with Section 26700) and*
39 *Article 2 (commencing with Section 26800) do not apply to any*
40 *sale, delivery, or transfer of firearms made to an authorized law*

1 enforcement representative of any city, county, city and county,
2 or state, or of the federal government, for exclusive use by that
3 governmental agency if, prior to the sale, delivery, or transfer of
4 these firearms, written authorization from the head of the agency
5 authorizing the transaction is presented to the person from whom
6 the purchase, delivery, or transfer is being made.

7 (b) Proper written authorization is defined as verifiable written
8 certification from the head of the agency by which the purchaser
9 or transferee is employed, identifying the employee as an individual
10 authorized to conduct the transaction, and authorizing the
11 transaction for the exclusive use of the agency by which that person
12 is employed.

13 (c) Within 10 days of the date a handgun, and commencing July
14 1, 2012, any firearm, is acquired by the agency, a record of the
15 same shall be entered as an institutional weapon into the
16 Automated Firearms System (AFS) via the California Law
17 Enforcement Telecommunications System (CLETS) by the law
18 enforcement or state agency. Any agency without access to AFS
19 shall arrange with the sheriff of the county in which the agency is
20 located to input this information via this system.

21 SEC. 6.32. Section 27060 is added to the Penal Code, to read:
22 27060. (a) Article 1 (commencing with Section 26700) and
23 Article 2 (commencing with Section 26800) do not apply to the
24 sale, delivery, or transfer of a firearm by a law enforcement agency
25 to a peace officer pursuant to Section 10334 of the Public Contract
26 Code.

27 (b) Within 10 days of the date that a handgun, and commencing
28 July 1, 2012, any firearm, is sold, delivered, or transferred
29 pursuant to Section 10334 of the Public Contract Code to that
30 peace officer, the name of the officer and the make, model, serial
31 number, and other identifying characteristics of the firearm being
32 sold, delivered, or transferred shall be entered into the Automated
33 Firearms System (AFS) via the California Law Enforcement
34 Telecommunications System (CLETS) by the law enforcement or
35 state agency that sold, delivered, or transferred the firearm. Any
36 agency without access to AFS shall arrange with the sheriff of the
37 county in which the agency is located to input this information via
38 this system.

39 SEC. 6.33. Section 27065 is added to the Penal Code, to read:

1 27065. (a) Article 1 (commencing with Section 26700) and
2 Article 2 (commencing with Section 26800) do not apply to the
3 sale, delivery, or transfer of a firearm by a law enforcement agency
4 to a retiring peace officer who is authorized to carry a firearm
5 pursuant to Chapter 5 (commencing with Section 26300) of
6 Division 5.

7 (b) Within 10 days of the date that a handgun, and commencing
8 July 1, 2012, any firearm, is sold, delivered, or transferred to that
9 retiring peace officer, the name of the officer and the make, model,
10 serial number, and other identifying characteristics of the firearm
11 being sold, delivered, or transferred shall be entered into the
12 Automated Firearms System (AFS) via the California Law
13 Enforcement Telecommunications System (CLETS) by the law
14 enforcement or state agency that sold, delivered, or transferred
15 the firearm. Any agency without access to AFS shall arrange with
16 the sheriff of the county in which the agency is located to input
17 this information via this system.

18 SEC. 6.34. Section 27110 is added to the Penal Code, to read:

19 27110. Until July 1, 2012, Article 1 (commencing with Section
20 26700) and Article 2 (commencing with Section 26800) do not
21 apply to the sale, delivery, or transfer of firearms if all of the
22 following conditions are satisfied:

23 (a) The firearms are unloaded.

24 (b) The firearms are not handguns.

25 (c) The sale, delivery, or transfer is made by a dealer to another
26 dealer, upon proof of compliance with the requirements of Section
27 27555.

28 SEC. 6.35. Section 27130 is added to the Penal Code, to read:

29 27130. Until July 1, 2012, Article 1 (commencing with Section
30 26700) and Article 2 (commencing with Section 26800) do not
31 apply to the sale, delivery, or transfer of an unloaded firearm,
32 other than a handgun, by a dealer to himself or herself.

33 SEC. 6.36. Section 27400 is added to the Penal Code, to read:

34 27400. (a) Article 1 (commencing with Section 27200) and
35 Article 2 (commencing with Section 27300) do not apply to any
36 sale, delivery, or transfer of firearms made to an authorized law
37 enforcement representative of any city, county, city and county,
38 or state, or of the federal government, for exclusive use by that
39 governmental agency if, prior to the sale, delivery, or transfer of
40 these firearms, written authorization from the head of the agency

1 *authorizing the transaction is presented to the person from whom*
2 *the purchase, delivery, or transfer is being made.*

3 *(b) Proper written authorization is defined as verifiable written*
4 *certification from the head of the agency by which the purchaser*
5 *or transferee is employed, identifying the employee as an individual*
6 *authorized to conduct the transaction, and authorizing the*
7 *transaction for the exclusive use of the agency by which that person*
8 *is employed.*

9 *(c) Within 10 days of the date a handgun, and commencing July*
10 *1, 2012, any firearm, is acquired by the agency, a record of the*
11 *same shall be entered as an institutional weapon into the*
12 *Automated Firearms System (AFS) via the California Law*
13 *Enforcement Telecommunications System (CLETS) by the law*
14 *enforcement or state agency. Any agency without access to AFS*
15 *shall arrange with the sheriff of the county in which the agency is*
16 *located to input this information via this system.*

17 *SEC. 6.37. Section 27410 is added to the Penal Code, to read:*

18 *27410. (a) Article 1 (commencing with Section 27200) and*
19 *Article 2 (commencing with Section 27300) do not apply to the*
20 *sale, delivery, or transfer of a firearm by a law enforcement agency*
21 *to a peace officer pursuant to Section 10334 of the Public Contract*
22 *Code.*

23 *(b) Within 10 days of the date that a handgun, and commencing*
24 *July 1, 2012, any firearm, is sold, delivered, or transferred*
25 *pursuant to Section 10334 of the Public Contract Code to that*
26 *peace officer, the name of the officer and the make, model, serial*
27 *number, and other identifying characteristics of the firearm being*
28 *sold, delivered, or transferred shall be entered into the Automated*
29 *Firearms System (AFS) via the California Law Enforcement*
30 *Telecommunications System (CLETS) by the law enforcement or*
31 *state agency that sold, delivered, or transferred the firearm. Any*
32 *agency without access to AFS shall arrange with the sheriff of the*
33 *county in which the agency is located to input this information via*
34 *this system.*

35 *SEC. 6.38. Section 27415 is added to the Penal Code, to read:*

36 *27415. (a) Article 1 (commencing with Section 27200) and*
37 *Article 2 (commencing with Section 27300) do not apply to the*
38 *sale, delivery, or transfer of a firearm by a law enforcement agency*
39 *to a retiring peace officer who is authorized to carry a firearm*

1 pursuant to Chapter 5 (commencing with Section 26300) of
2 Division 5.

3 (b) Within 10 days of the date that a handgun, and commencing
4 July 1, 2012, any firearm, is sold, delivered, or transferred to that
5 retiring peace officer, the name of the officer and the make, model,
6 serial number, and other identifying characteristics of the firearm
7 being sold, delivered, or transferred shall be entered into the
8 Automated Firearms System (AFS) via the California Law
9 Enforcement Telecommunications System (CLETS) by the law
10 enforcement or state agency that sold, delivered, or transferred
11 the firearm. Any agency without access to AFS shall arrange with
12 the sheriff of the county in which the agency is located to input
13 this information via this system.

14 SEC. 6.39. Section 27540 is added to the Penal Code, to read:
15 27540. No dealer, whether or not acting pursuant to Chapter
16 5 (commencing with Section 28050), shall deliver a firearm to a
17 person, as follows:

18 (a) Within 10 days of the application to purchase, or, after notice
19 by the department pursuant to Section 28220, within 10 days of
20 the submission to the department of any correction to the
21 application, or within 10 days of the submission to the department
22 of any fee required pursuant to Section 28225, whichever is later.

23 (b) Unless unloaded and securely wrapped or unloaded and in
24 a locked container.

25 (c) Unless the purchaser, transferee, or person being loaned
26 the firearm presents clear evidence of the person's identity and
27 age to the dealer.

28 (d) Whenever the dealer is notified by the Department of Justice
29 that the person is prohibited by state or federal law from
30 possessing, receiving, owning, or purchasing a firearm.

31 (e) No handgun shall be delivered unless the purchaser,
32 transferee, or person being loaned the handgun presents a handgun
33 safety certificate to the dealer.

34 (f) No handgun shall be delivered whenever the dealer is notified
35 by the Department of Justice that within the preceding 30-day
36 period the purchaser has made another application to purchase
37 a handgun and that the previous application to purchase involved
38 none of the entities specified in subdivision (b) of Section 27535.

39 SEC. 6.40. Section 27560 is added to the Penal Code, to read:

1 27560. (a) Within 60 days of bringing a handgun into this
2 state, and commencing July 1, 2012, within 60 days of bringing
3 any firearm into this state, a personal firearm importer shall do
4 one of the following:

5 (1) Forward by prepaid mail or deliver in person to the
6 Department of Justice, a report prescribed by the department
7 including information concerning that individual and a description
8 of the firearm in question.

9 (2) Sell or transfer the firearm in accordance with the provisions
10 of Section 27545 or in accordance with the provisions of an
11 exemption from Section 27545.

12 (3) Sell or transfer the firearm to a dealer licensed pursuant to
13 Sections 26700 to 26915, inclusive.

14 (4) Sell or transfer the firearm to a sheriff or police department.

15 (b) If all of the following requirements are satisfied, the personal
16 firearm importer shall have complied with the provisions of this
17 section:

18 (1) The personal firearm importer sells or transfers the firearm
19 pursuant to Section 27545.

20 (2) The sale or transfer cannot be completed by the dealer to
21 the purchaser or transferee.

22 (3) The firearm can be returned to the personal firearm
23 importer.

24 (c) (1) The provisions of this section are cumulative and shall
25 not be construed as restricting the application of any other law.

26 (2) However, an act or omission punishable in different ways
27 by this article and different provisions of the Penal Code shall not
28 be punished under more than one provision.

29 (d) The department shall conduct a public education and
30 notification program regarding this section to ensure a high degree
31 of publicity of the provisions of this section.

32 (e) As part of the public education and notification program
33 described in this section, the department shall do all of the
34 following:

35 (1) Work in conjunction with the Department of Motor Vehicles
36 to ensure that any person who is subject to this section is advised
37 of the provisions of this section, and provided with blank copies
38 of the report described in paragraph (1) of subdivision (a), at the
39 time when that person applies for a California driver's license or
40 registers a motor vehicle in accordance with the Vehicle Code.

1 (2) *Make the reports referred to in paragraph (1) of subdivision*
2 *(a) available to dealers licensed pursuant to Sections 26700 to*
3 *26915, inclusive.*

4 (3) *Make the reports referred to in paragraph (1) of subdivision*
5 *(a) available to law enforcement agencies.*

6 (4) *Make persons subject to the provisions of this section aware*
7 *of all of the following:*

8 (A) *The report referred to in paragraph (1) of subdivision (a)*
9 *may be completed at either a law enforcement agency or the*
10 *licensed premises of a dealer licensed pursuant to Sections 26700*
11 *to 26915, inclusive.*

12 (B) *It is advisable to do so for the sake of accuracy and*
13 *completeness of the report.*

14 (C) *Before transporting a firearm to a law enforcement agency*
15 *to comply with subdivision (a), the person should give notice to*
16 *the law enforcement agency that the person is doing so.*

17 (D) *In any event, the handgun should be transported unloaded*
18 *and in a locked container and a firearm that is not a handgun*
19 *should be transported unloaded.*

20 (f) *Any costs incurred by the department to implement this*
21 *section shall be absorbed by the department within its existing*
22 *budget and the fees in the Dealers' Record of Sale Special Account*
23 *allocated for implementation of subdivisions (d) and (e) of this*
24 *section pursuant to Section 28235.*

25 SEC. 6.41. *Section 27565 is added to the Penal Code, to read:*
26 *27565. (a) This section applies in the following circumstances:*

27 (1) *A person is licensed as a collector pursuant to Chapter 44*
28 *(commencing with Section 921) of Title 18 of the United States*
29 *Code and the regulations issued pursuant thereto.*

30 (2) *The licensed premises of that person are within this state.*

31 (3) *The licensed collector acquires, outside of this state, a*
32 *handgun, or after July 1, 2012, any firearm.*

33 (4) *The licensed collector takes actual possession of that firearm*
34 *outside of this state pursuant to the provisions of subsection (j) of*
35 *Section 923 of Title 18 of the United States Code, as amended by*
36 *Public Law 104-208, and transports the firearm into this state.*

37 (5) *The firearm is a curio or relic, as defined in Section 478.11*
38 *of Title 27 of the Code of Federal Regulations.*

39 (b) *Within five days of transporting a firearm into this state*
40 *under the circumstances described in subdivision (a), the licensed*

1 collector shall report the acquisition of that firearm to the
2 department in a format prescribed by the department.

3 SEC. 6.42. Section 27590 is added to the Penal Code, to read:

4 27590. (a) Except as provided in subdivision (b), (c), or (e),
5 a violation of this article is a misdemeanor.

6 (b) If any of the following circumstances apply, a violation of
7 this article is punishable by imprisonment in the state prison for
8 two, three, or four years.

9 (1) If the violation is of subdivision (a) of Section 27500.

10 (2) If the defendant has a prior conviction of violating the
11 provisions, other than Section 27535, of this article or former
12 Section 12100 of this code, as that section read at any time from
13 when it was enacted by Section 3 of Chapter 1386 of the Statutes
14 of 1988 to when it was repealed by Section 18 of Chapter 23 of
15 the Statutes of 1994, or Section 8101 of the Welfare and Institutions
16 Code.

17 (3) If the defendant has a prior conviction of violating any
18 offense specified in Section 29905 or of a violation of Section
19 32625 or 33410, or of former Section 12560, as that section read
20 at any time from when it was enacted by Section 4 of Chapter 931
21 of the Statutes of 1965 to when it was repealed by Section 14 of
22 Chapter 9 of the Statutes of 1990, or of any provision listed in
23 Section 16590.

24 (4) If the defendant is in a prohibited class described in Chapter
25 2 (commencing with Section 29800) or Chapter 3 (commencing
26 with Section 29900) of Division 9 of this title, or Section 8100 or
27 8103 of the Welfare and Institutions Code.

28 (5) A violation of this article by a person who actively
29 participates in a “criminal street gang” as defined in Section
30 186.22.

31 (6) A violation of Section 27510 involving the delivery of any
32 firearm to a person who the dealer knows, or should know, is a
33 minor.

34 (c) If any of the following circumstances apply, a violation of
35 this article shall be punished by imprisonment in a county jail not
36 exceeding one year or in the state prison, or by a fine not to exceed
37 one thousand dollars (\$1,000), or by both that fine and
38 imprisonment.

39 (1) A violation of Section 27515, 27520, or subdivision (b) of
40 Section 27500.

1 (2) A violation of Section 27505 involving the sale, loan, or
2 transfer of a handgun to a minor.

3 (3) A violation of Section 27510 involving the delivery of a
4 handgun.

5 (4) A violation of subdivision (a), (c), (d), (e), or (f) of Section
6 27540 involving a handgun.

7 (5) A violation of Section 27545 involving a handgun.

8 (6) A violation of Section 27550.

9 (d) If both of the following circumstances apply, an additional
10 term of imprisonment in the state prison for one, two, or three
11 years shall be imposed in addition and consecutive to the sentence
12 prescribed.

13 (1) A violation of Section 27510 or subdivision (b) of Section
14 27500.

15 (2) The firearm transferred in violation of Section 27510 or
16 subdivision (b) of Section 27500 is used in the subsequent
17 commission of a felony for which a conviction is obtained and the
18 prescribed sentence is imposed.

19 (e) (1) A first violation of Section 27535 is an infraction
20 punishable by a fine of fifty dollars (\$50).

21 (2) A second violation of Section 27535 is an infraction
22 punishable by a fine of one hundred dollars (\$100).

23 (3) A third or subsequent violation of Section 27535 is a
24 misdemeanor.

25 (4) For purposes of this subdivision each application to
26 purchase a handgun in violation of Section 27535 shall be deemed
27 a separate offense.

28 SEC. 6.43. Section 27600 is added to the Penal Code, to read:

29 27600. (a) Article 1 (commencing with Section 27500) does
30 not apply to any sale, delivery, or transfer of firearms made to an
31 authorized law enforcement representative of any city, county, city
32 and county, or state, or of the federal government, for exclusive
33 use by that governmental agency if, prior to the sale, delivery, or
34 transfer of these firearms, written authorization from the head of
35 the agency authorizing the transaction is presented to the person
36 from whom the purchase, delivery, or transfer is being made.

37 (b) Proper written authorization is defined as verifiable written
38 certification from the head of the agency by which the purchaser
39 or transferee is employed, identifying the employee as an individual
40 authorized to conduct the transaction, and authorizing the

1 *transaction for the exclusive use of the agency by which that person*
2 *is employed.*

3 *(c) Within 10 days of the date a handgun, and commencing July*
4 *1, 2012, any firearm, is acquired by the agency, a record of the*
5 *same shall be entered as an institutional weapon into the*
6 *Automated Firearms System (AFS) via the California Law*
7 *Enforcement Telecommunications System (CLETS) by the law*
8 *enforcement or state agency. Any agency without access to AFS*
9 *shall arrange with the sheriff of the county in which the agency is*
10 *located to input this information via this system.*

11 *SEC. 6.44. Section 27610 is added to the Penal Code, to read:*
12 *27610. (a) Article 1 (commencing with Section 27500) does*
13 *not apply to the sale, delivery, or transfer of a firearm by a law*
14 *enforcement agency to a peace officer pursuant to Section 10334*
15 *of the Public Contract Code.*

16 *(b) Within 10 days of the date that a handgun, and commencing*
17 *July 1, 2012, any firearm, is sold, delivered, or transferred*
18 *pursuant to Section 10334 of the Public Contract Code to that*
19 *peace officer, the name of the officer and the make, model, serial*
20 *number, and other identifying characteristics of the firearm being*
21 *sold, delivered, or transferred shall be entered into the Automated*
22 *Firearms System (AFS) via the California Law Enforcement*
23 *Telecommunications System (CLETS) by the law enforcement or*
24 *state agency that sold, delivered, or transferred the firearm. Any*
25 *agency without access to AFS shall arrange with the sheriff of the*
26 *county in which the agency is located to input this information via*
27 *this system.*

28 *SEC. 6.45. Section 27615 is added to the Penal Code, to read:*
29 *27615. (a) Article 1 (commencing with Section 27500) does*
30 *not apply to the sale, delivery, or transfer of a firearm by a law*
31 *enforcement agency to a retiring peace officer who is authorized*
32 *to carry a firearm pursuant to Chapter 5 (commencing with Section*
33 *26300) of Division 5.*

34 *(b) Within 10 days of the date that a handgun, and commencing*
35 *July 1, 2012, any firearm, is sold, delivered, or transferred to that*
36 *retiring peace officer, the name of the officer and the make, model,*
37 *serial number, and other identifying characteristics of the firearm*
38 *being sold, delivered, or transferred shall be entered into the*
39 *Automated Firearms System (AFS) via the California Law*
40 *Enforcement Telecommunications System (CLETS) by the law*

1 enforcement or state agency that sold, delivered, or transferred
2 the firearm. Any agency without access to AFS shall arrange with
3 the sheriff of the county in which the agency is located to input
4 this information via this system.

5 SEC. 6.46. Section 27655 is added to the Penal Code, to read:

6 27655. (a) The waiting period described in Section 27540
7 does not apply to a dealer who delivers a firearm, other than a
8 handgun, at an auction or similar event described in Section 27900,
9 as authorized by subdivision (c) of Section 26805.

10 (b) Within two business days of completion of the application
11 to purchase, the dealer shall forward by prepaid mail to the
12 Department of Justice a report of the application as is indicated
13 in Section 28160 or 28165, as applicable.

14 (c) If the electronic or telephonic transfer of applicant
15 information is used, within two business days of completion of the
16 application to purchase, the dealer delivering the firearm shall
17 transmit to the Department of Justice an electronic or telephonic
18 report of the application as is indicated in Section 28160 or 28165,
19 as applicable.

20 SEC. 6.47. Section 27660 is added to the Penal Code, to read:

21 27660. (a) The waiting period described in Section 27540
22 does not apply to the sale, delivery, or transfer of a handgun, and
23 commencing July 1, 2012, a firearm that is not a handgun, by a
24 dealer in either of the following situations:

25 (1) The dealer is delivering the firearm to another dealer, the
26 firearm is not intended as merchandise in the receiving dealer's
27 business, and the requirements of subdivisions (b) and (c) are
28 satisfied.

29 (2) The dealer is delivering the firearm to himself or herself,
30 the firearm is not intended as merchandise in the dealer's business,
31 and the requirements of subdivision (c) are satisfied.

32 (b) If the dealer is receiving the firearm from another dealer,
33 the dealer receiving the firearm shall present proof to the dealer
34 delivering the firearm that the receiving dealer is licensed pursuant
35 to Article 1 (commencing with Section 26700) and Article 2
36 (commencing with Section 26800). This shall be done by complying
37 with Section 27555.

38 (c) (1) Regardless of whether the dealer is selling, delivering,
39 or transferring the firearm to another dealer or to himself or
40 herself, on the date that the application to purchase is completed,

1 *the dealer delivering the firearm shall forward by prepaid mail to*
2 *the Department of Justice a report of the application and the type*
3 *of information concerning the purchaser or transferee as is*
4 *indicated in Section 28160.*

5 *(2) Where electronic or telephonic transfer of applicant*
6 *information is used, on the date that the application to purchase*
7 *is completed, the dealer delivering the firearm shall transmit an*
8 *electronic or telephonic report of the application and the type of*
9 *information concerning the purchaser or transferee as is indicated*
10 *in Section 28160.*

11 *SEC. 6.48. Section 27665 is added to the Penal Code, to read:*
12 *27665. (a) The waiting period described in Section 27540*
13 *does not apply to the sale, delivery, or transfer of a firearm to the*
14 *holder of a special weapons permit issued by the Department of*
15 *Justice pursuant to Section 32650 or 33300, pursuant to Article*
16 *3 (commencing with Section 18900) of Chapter 1 of Division 5 of*
17 *Title 2, or pursuant to Article 4 (commencing with Section 32700)*
18 *of Chapter 6 of Division 10 of this title.*

19 *(b) On the date that the application to purchase is completed,*
20 *the dealer delivering the firearm shall transmit to the Department*
21 *of Justice an electronic or telephonic report of the application as*
22 *is indicated in Section 28160 or 28165, as applicable.*

23 *SEC. 6.49. Section 27710 is added to the Penal Code, to read:*
24 *27710. Until July 1, 2012, Section 27540 does not apply to the*
25 *sale, delivery, or transfer of firearms if all of the following*
26 *conditions are satisfied:*

27 *(a) The firearms are unloaded.*

28 *(b) The firearms are not handguns.*

29 *(c) The sale, delivery, or transfer is made by a dealer to another*
30 *dealer, upon proof of compliance with the requirements of Section*
31 *27555.*

32 *SEC. 6.50. Section 27730 is added to the Penal Code, to read:*
33 *27730. Until July 1, 2012, Section 27540 does not apply to the*
34 *sale, delivery, or transfer of an unloaded firearm, other than a*
35 *handgun, by a dealer to himself or herself.*

36 *SEC. 6.51. Section 27860 is added to the Penal Code, to read:*
37 *27860. Section 27545 does not apply to the sale, delivery, loan,*
38 *or transfer of a firearm made by any person other than a*
39 *representative of an authorized law enforcement agency to any*

1 *public or private nonprofit historical society, museum, or*
2 *institutional collection, if all of the following conditions are met:*

3 *(a) The entity receiving the firearm is open to the public.*

4 *(b) The firearm is deactivated or rendered inoperable prior to*
5 *delivery.*

6 *(c) The firearm is not of a type prohibited from being sold,*
7 *delivered, or transferred to the public.*

8 *(d) Prior to delivery, the entity receiving the firearm submits a*
9 *written statement to the person selling, loaning, or transferring*
10 *the firearm stating that the firearm will not be restored to operating*
11 *condition, and will either remain with that entity, or if subsequently*
12 *disposed of, will be transferred in accordance with the applicable*
13 *provisions listed in Section 16575 and, if applicable, with Section*
14 *31615.*

15 *(e) If title to a handgun, and commencing July 1, 2012, any*
16 *firearm, is being transferred to the public or private nonprofit*
17 *historical society, museum, or institutional collection, then the*
18 *designated representative of that entity shall, within 30 days of*
19 *taking possession of that firearm, forward by prepaid mail or*
20 *deliver in person to the Department of Justice, a single report*
21 *signed by both parties to the transaction, which includes all of the*
22 *following information:*

23 *(1) Information identifying the person representing the public*
24 *or private historical society, museum, or institutional collection.*

25 *(2) Information on how title was obtained and from whom.*

26 *(3) A description of the firearm in question.*

27 *(4) A copy of the written statement referred to in subdivision*
28 *(d).*

29 *(f) The report forms that are to be completed pursuant to this*
30 *section shall be provided by the Department of Justice.*

31 *(g) In the event of a change in the status of the designated*
32 *representative, the entity shall notify the department of a new*
33 *representative within 30 days.*

34 *SEC. 6.52. Section 27870 is added to the Penal Code, to read:*

35 *27870. (a) Section 27545 does not apply to the transfer of a*
36 *firearm, other than a handgun, by gift, bequest, intestate*
37 *succession, or other means from one individual to another, if both*
38 *of the following requirements are satisfied:*

39 *(1) The transfer is infrequent, as defined in Section 16730.*

1 (2) *The transfer is between members of the same immediate*
2 *family.*

3 (b) *This section shall become inoperative on July 1, 2012.*

4 SEC. 6.53. *Section 27875 is added to the Penal Code, to read:*
5 27875. *Section 27545 does not apply to the transfer of a*
6 *handgun, and commencing July 1, 2012, a firearm that is not a*
7 *handgun, by gift, bequest, intestate succession, or other means*
8 *from one individual to another, if all of the following requirements*
9 *are met:*

10 (a) *The transfer is infrequent, as defined in Section 16730.*

11 (b) *The transfer is between members of the same immediate*
12 *family.*

13 (c) *Within 30 days of taking possession of the firearm, the person*
14 *to whom it is transferred shall forward by prepaid mail, or deliver*
15 *in person to the Department of Justice, a report that includes*
16 *information concerning the individual taking possession of the*
17 *firearm, how title was obtained and from whom, and a description*
18 *of the firearm in question. The report forms that individuals*
19 *complete pursuant to this section shall be provided to them by the*
20 *Department of Justice.*

21 (d) *The person taking title to the firearm shall first obtain a*
22 *handgun safety certificate, if the firearm is a handgun.*

23 (e) *The person receiving the firearm is 18 years of age or older.*

24 SEC. 6.54. *Section 27880 is added to the Penal Code, to read:*
25 27880. *Section 27545 does not apply to the loan of a firearm*
26 *between persons who are personally known to each other, if all of*
27 *the following requirements are satisfied:*

28 (a) *The loan is infrequent, as defined in Section 16730.*

29 (b) *The loan is for any lawful purpose.*

30 (c) *The loan does not exceed 30 days in duration.*

31 (d) *The individual being loaned the handgun shall have a valid*
32 *handgun safety certificate, if the firearm is a handgun.*

33 SEC. 6.55. *Section 27915 is added to the Penal Code, to read:*

34 27915. (a) *Section 27545 does not apply to a person who takes*
35 *title or possession of a firearm by operation of law if both of the*
36 *following requirements are satisfied:*

37 (1) *The firearm is not a handgun.*

38 (2) *The person is not prohibited by state or federal law from*
39 *possessing, receiving, owning, or purchasing a firearm.*

40 (b) *This section shall become inoperative on July 1, 2012.*

1 *SEC. 6.56. Section 27920 is added to the Penal Code, to read:*
2 *27920. Section 27545 does not apply to a person who takes*
3 *title or possession of a handgun, and commencing July 1, 2012, a*
4 *firearm that is not a handgun, by operation of law if the person is*
5 *not prohibited by state or federal law from possessing, receiving,*
6 *owning, or purchasing a firearm and all of the following conditions*
7 *are met:*

8 *(a) If the person taking title or possession is neither a levying*
9 *officer as defined in Section 481.140, 511.060, or 680.260 of the*
10 *Code of Civil Procedure, nor a person who is receiving that firearm*
11 *pursuant to subdivision (g), (i), or (j) of Section 16990, the person*
12 *shall, within 30 days of taking possession, forward by prepaid*
13 *mail or deliver in person to the Department of Justice, a report of*
14 *information concerning the individual taking possession of the*
15 *firearm, how title or possession was obtained and from whom, and*
16 *a description of the firearm in question.*

17 *(b) If the person taking title or possession is receiving the*
18 *firearm pursuant to subdivision (g) of Section 16990, the person*
19 *shall do both of the following:*

20 *(1) Within 30 days of taking possession, forward by prepaid*
21 *mail or deliver in person to the department, a report of information*
22 *concerning the individual taking possession of the firearm, how*
23 *title or possession was obtained and from whom, and a description*
24 *of the firearm in question.*

25 *(2) Prior to taking title or possession of the firearm, the person*
26 *shall obtain a handgun safety certificate, if the firearm is a*
27 *handgun.*

28 *(c) Where the person receiving title or possession of the*
29 *handgun, and commencing July 1, 2012, a firearm that is not a*
30 *handgun, is a person described in subdivision (i) of Section 16990,*
31 *on the date that the person is delivered the firearm, the name and*
32 *other information concerning the person taking possession of the*
33 *firearm, how title or possession of the firearm was obtained and*
34 *from whom, and a description of the firearm by make, model, serial*
35 *number, and other identifying characteristics shall be entered into*
36 *the Automated Firearms System (AFS) via the California Law*
37 *Enforcement Telecommunications System (CLETS) by the law*
38 *enforcement or state agency that transferred or delivered the*
39 *firearm, provided however, that if the firearm is not a handgun*
40 *and does not have a serial number, identification number, or*

1 identification mark assigned to it, that fact shall be noted. An
2 agency without access to AFS shall arrange with the sheriff of the
3 county in which the agency is located to input this information via
4 this system.

5 (d) Where the person receiving title or possession of the
6 handgun, and commencing July 1, 2012, a firearm that is not a
7 handgun, is a person described in subdivision (j) of Section 16990,
8 on the date that the person is delivered the firearm, the name and
9 other information concerning the person taking possession of the
10 firearm, how title or possession of the firearm was obtained and
11 from whom, and a description of the firearm by make, model, serial
12 number, and other identifying characteristics shall be entered into
13 the AFS via the CLETS by the law enforcement or state agency
14 that transferred or delivered the firearm, provided however, that
15 if the firearm is not a handgun and does not have a serial number,
16 identification number, or identification mark assigned to it, that
17 fact shall be noted. An agency without access to AFS shall arrange
18 with the sheriff of the county in which the agency is located to
19 input this information via this system. In addition, that law
20 enforcement agency shall not deliver that handgun to the person
21 referred to in this subdivision unless, prior to the delivery of the
22 handgun, the person presents proof to the agency that the person
23 is the holder of a handgun safety certificate.

24 (e) The reports that individuals complete pursuant to this section
25 shall be provided to them by the Department of Justice.

26 SEC. 6.57. Section 28000 is added to the Penal Code, to read:

27 28000. A person who is exempt from Section 27545 or is
28 otherwise not required by law to report acquisition, ownership,
29 or disposal of a handgun, and commencing July 1, 2012, a firearm
30 that is not a handgun, or who moves out of this state with the
31 person's handgun, and commencing July 1, 2012, a firearm that
32 is not a handgun, may report that to the Department of Justice in
33 a format prescribed by the department.

34 SEC. 6.58. Section 28060 is added to the Penal Code, to read:

35 28060. The Attorney General shall adopt regulations under
36 this chapter to do all of the following:

37 (a) Allow the seller or transferor or the person loaning the
38 firearm, and the purchaser or transferee or the person being loaned
39 the firearm, to complete a sale, loan, or transfer through a dealer,
40 and to allow those persons and the dealer to preserve the

1 *confidentiality of those records and to comply with the*
2 *requirements of this chapter and all of the following:*

3 *(1) Article 1 (commencing with Section 26700) and Article 2*
4 *(commencing with Section 26800) of Chapter 2.*

5 *(2) Article 1 (commencing with Section 27500) of Chapter 4.*

6 *(3) Article 2 (commencing with Section 28150) of Chapter 6.*

7 *(4) Article 3 (commencing with Section 28200) of Chapter 6.*

8 *(b) Record sufficient information for purposes of subdivision*
9 *(c) of Section 11106 in the instance where a firearm is returned*
10 *to a personal firearm importer because a sale or transfer of that*
11 *firearm by the personal firearm importer could not be completed.*

12 *(c) Ensure that the register or record of electronic transfer shall*
13 *state all of the following:*

14 *(1) The name and address of the seller or transferor of the*
15 *firearm or the person loaning the firearm.*

16 *(2) Whether or not the person is a personal firearm importer.*

17 *(3) Any other information required by Article 2 (commencing*
18 *with Section 28150) of Chapter 6.*

19 *SEC. 6.59. Section 28100 is added to the Penal Code, to read:*

20 *28100. (a) As required by the Department of Justice, every*
21 *dealer shall keep a register or record of electronic or telephonic*
22 *transfer in which shall be entered the information prescribed in*
23 *Article 2 (commencing with Section 28150).*

24 *(b) This section shall not apply to any of the following*
25 *transactions:*

26 *(1) The loan of an unloaded firearm by a dealer to a person*
27 *who possesses a valid entertainment firearms permit issued*
28 *pursuant to Chapter 2 (commencing with Section 29500) of*
29 *Division 8, for use solely as a prop in a motion picture, television,*
30 *video, theatrical, or other entertainment production or event.*

31 *(2) The delivery of an unloaded firearm by a dealer to a*
32 *gunsmith for service or repair.*

33 *(3) Until July 1, 2012, the sale, delivery, or transfer of an*
34 *unloaded firearm, other than a handgun, by a dealer to another*
35 *dealer, upon proof of compliance with the requirements of Section*
36 *27555.*

37 *(4) The sale, delivery, or transfer of an unloaded firearm by a*
38 *dealer who sells, delivers, or transfers the firearm to a person who*
39 *resides outside this state and is licensed pursuant to Chapter 44*

1 *(commencing with Section 921) of Title 18 of the United States*
2 *Code and any regulations issued pursuant thereto.*

3 *(5) The sale, delivery, or transfer of an unloaded firearm by a*
4 *dealer to a wholesaler if that firearm is being returned to the*
5 *wholesaler and is intended as merchandise in the wholesaler's*
6 *business.*

7 *(6) The sale, delivery, or transfer of an unloaded firearm by a*
8 *dealer to another dealer, upon proof of compliance with the*
9 *requirements of Section 27555, if the firearm is intended as*
10 *merchandise in the receiving dealer's business.*

11 *(7) Until July 1, 2012, the sale, delivery, or transfer of an*
12 *unloaded firearm, other than a handgun, by a dealer to himself or*
13 *herself.*

14 *(8) The loan of an unloaded firearm by a dealer who also*
15 *operates a target facility which holds a business or regulatory*
16 *license on the premises of the building designated in the license*
17 *or whose building designated in the license is on the premises of*
18 *any club or organization organized for the purpose of practicing*
19 *shooting at targets upon established ranges, whether public or*
20 *private, to a person at that target facility or club or organization,*
21 *if the firearm is kept at all times within the premises of the target*
22 *range or on the premises of the club or organization.*

23 *(9) The loan of an unloaded firearm by a dealer to a*
24 *consultant-evaluator, if the loan does not exceed 45 days from the*
25 *date of delivery of the firearm by the dealer to the*
26 *consultant-evaluator.*

27 *(10) The return of an unloaded firearm to the owner of that*
28 *firearm by a dealer, if the owner initially delivered the firearm to*
29 *the dealer for service or repair.*

30 *(11) The sale, delivery, or transfer of an unloaded firearm by*
31 *a dealer to a person licensed as an importer or manufacturer*
32 *pursuant to Chapter 44 (commencing with Section 921) of Title*
33 *18 of the United States Code and any regulations issued pursuant*
34 *thereto.*

35 *(c) A violation of this section is a misdemeanor.*

36 *SEC. 6.60. Section 28160 is added to the Penal Code, to read:*

37 *28160. (a) Until July 1, 2012, for handguns, and thereafter*
38 *for all firearms, the register or record of electronic transfer shall*
39 *include all of the following information:*

40 *(1) The date and time of sale.*

- 1 (2) *The make of firearm.*
- 2 (3) *Peace officer exemption status pursuant to the provisions*
- 3 *listed in subdivision (c) of Section 16585, and the agency name.*
- 4 (4) *Auction or event waiting period exemption pursuant to*
- 5 *Sections 26955 and 27655.*
- 6 (5) *Dealer waiting period exemption pursuant to Sections 26960*
- 7 *and 27660.*
- 8 (6) *Dangerous weapons permitholder waiting period exemption*
- 9 *pursuant to Sections 26965 and 27665.*
- 10 (7) *Curio and relic waiting period exemption pursuant to*
- 11 *Sections 26970 and 27670.*
- 12 (8) *California Firearms Dealer number issued pursuant to*
- 13 *Article 1 (commencing with Section 26700) of Chapter 2.*
- 14 (9) *For transactions occurring prior to January 1, 2003, the*
- 15 *purchaser's basic firearms safety certificate number issued*
- 16 *pursuant to former Sections 12805 and 12809, as those sections*
- 17 *read at any time from when they became operative on January 1,*
- 18 *1992, to when they were repealed on January 1, 2003.*
- 19 (10) *For transactions occurring on or after January 1, 2003,*
- 20 *the purchaser's handgun safety certificate number issued pursuant*
- 21 *to Article 2 (commencing with Section 31610) of Chapter 4 of*
- 22 *Division 10 of this title, or pursuant to former Article 8*
- 23 *(commencing with Section 12800) of Chapter 6 of Title 2 of Part*
- 24 *4, as that article read at any time from when it became operative*
- 25 *on January 1, 2003, to when it was repealed by the Deadly*
- 26 *Weapons Recodification Act of 2010.*
- 27 (11) *Manufacturer's name if stamped on the firearm.*
- 28 (12) *Model name or number, if stamped on the firearm.*
- 29 (13) *Serial number, if applicable.*
- 30 (14) *Other number, if more than one serial number is stamped*
- 31 *on the firearm.*
- 32 (15) *Any identification number or mark assigned to the firearm*
- 33 *pursuant to Section 23910, provided however, that if the firearm*
- 34 *is not a handgun and does not have a serial number, identification*
- 35 *number, or mark assigned to it, a notation as to that fact.*
- 36 (16) *Caliber.*
- 37 (17) *Type of firearm.*
- 38 (18) *If the firearm is new or used.*
- 39 (19) *Barrel length.*
- 40 (20) *Color of the firearm.*

- 1 (21) *Full name of purchaser.*
- 2 (22) *Purchaser's complete date of birth.*
- 3 (23) *Purchaser's local address.*
- 4 (24) *If current address is temporary, complete permanent*
- 5 *address of purchaser.*
- 6 (25) *Identification of purchaser.*
- 7 (26) *Purchaser's place of birth (state or country).*
- 8 (27) *Purchaser's complete telephone number.*
- 9 (28) *Purchaser's occupation.*
- 10 (29) *Purchaser's sex.*
- 11 (30) *Purchaser's physical description.*
- 12 (31) *All legal names and aliases ever used by the purchaser.*
- 13 (32) *Yes or no answer to questions that prohibit purchase,*
- 14 *including, but not limited to, conviction of a felony as described*
- 15 *in Chapter 2 (commencing with Section 29800) or an offense*
- 16 *described in Chapter 3 (commencing with Section 29900) of*
- 17 *Division 9 of this title, the purchaser's status as a person described*
- 18 *in Section 8100 of the Welfare and Institutions Code, whether the*
- 19 *purchaser is a person who has been adjudicated by a court to be*
- 20 *a danger to others or found not guilty by reason of insanity, and*
- 21 *whether the purchaser is a person who has been found incompetent*
- 22 *to stand trial or placed under conservatorship by a court pursuant*
- 23 *to Section 8103 of the Welfare and Institutions Code.*
- 24 (33) *Signature of purchaser.*
- 25 (34) *Signature of salesperson, as a witness to the purchaser's*
- 26 *signature.*
- 27 (35) *Salesperson's certificate of eligibility number, if the*
- 28 *salesperson has obtained a certificate of eligibility.*
- 29 (36) *Name and complete address of the dealer or firm selling*
- 30 *the firearm as shown on the dealer's license.*
- 31 (37) *The establishment number, if assigned.*
- 32 (38) *The dealer's complete business telephone number.*
- 33 (39) *Any information required by Chapter 5 (commencing with*
- 34 *Section 28050).*
- 35 (40) *Any information required to determine whether subdivision*
- 36 *(f) of Section 27540 applies.*
- 37 (41) *A statement of the penalties for signing a fictitious name*
- 38 *or address, knowingly furnishing any incorrect information, or*
- 39 *knowingly omitting any information required to be provided for*
- 40 *the register.*

1 **(b)** *The purchaser shall provide the purchaser's right thumbprint*
2 *on the register in a manner prescribed by the department. No*
3 *exception to this requirement shall be permitted except by*
4 *regulations adopted by the department.*

5 **(c)** *The firearms dealer shall record on the register or record*
6 *of electronic transfer the date that the firearm is delivered.*

7 **SEC. 6.61.** *Section 28165 is added to the Penal Code, to read:*
8 **28165.** *(a) For firearms other than handguns, the register or*
9 *record of electronic transfer shall include all of the following*
10 *information:*

11 **(1)** *The date and time of sale.*

12 **(2)** *Peace officer exemption status pursuant to the provisions*
13 *listed in subdivision (c) of Section 16585, and the agency name.*

14 **(3)** *Dangerous weapons permitholder waiting period exemption*
15 *pursuant to Sections 26965 and 27665.*

16 **(4)** *Curio and relic waiting period exemption pursuant to*
17 *Sections 26970 and 27670.*

18 **(5)** *Auction or event waiting period exemption pursuant to*
19 *Sections 26955 and 27655.*

20 **(6)** *California Firearms Dealer number issued pursuant to*
21 *Article 1 (commencing with Section 26700) of Chapter 2.*

22 **(7)** *Full name of purchaser.*

23 **(8)** *Purchaser's complete date of birth.*

24 **(9)** *Purchaser's local address.*

25 **(10)** *If current address is temporary, complete permanent*
26 *address of purchaser.*

27 **(11)** *Identification of purchaser.*

28 **(12)** *Purchaser's place of birth (state or country).*

29 **(13)** *Purchaser's complete telephone number.*

30 **(14)** *Purchaser's occupation.*

31 **(15)** *Purchaser's sex.*

32 **(16)** *Purchaser's physical description.*

33 **(17)** *All legal names and aliases ever used by the purchaser.*

34 **(18)** *Yes or no answer to questions that prohibit purchase,*
35 *including, but not limited to, conviction of a felony as described*
36 *in Chapter 2 (commencing with Section 29800) or an offense*
37 *described in Chapter 3 (commencing with Section 29900) of*
38 *Division 9 of this title, the purchaser's status as a person described*
39 *in Section 8100 of the Welfare and Institutions Code, whether the*
40 *purchaser is a person who has been adjudicated by a court to be*

1 *a danger to others or found not guilty by reason of insanity,*
2 *whether the purchaser is a person who has been found incompetent*
3 *to stand trial or placed under conservatorship by a court pursuant*
4 *to Section 8103 of the Welfare and Institutions Code.*

5 *(19) Signature of purchaser.*

6 *(20) Signature of salesperson, as a witness to the purchaser's*
7 *signature.*

8 *(21) Salesperson's certificate of eligibility number, if the*
9 *salesperson has obtained a certificate of eligibility.*

10 *(22) Name and complete address of the dealer or firm selling*
11 *the firearm as shown on the dealer's license.*

12 *(23) The establishment number, if assigned.*

13 *(24) The dealer's complete business telephone number.*

14 *(25) Any information required by Chapter 5 (commencing with*
15 *Section 28050).*

16 *(26) A statement of the penalties for any person signing a*
17 *fictitious name or address, knowingly furnishing any incorrect*
18 *information, or knowingly omitting any information required to*
19 *be provided for the register.*

20 *(b) The purchaser shall provide the purchaser's right thumbprint*
21 *on the register in a manner prescribed by the department. No*
22 *exception to this requirement shall be permitted except by*
23 *regulations adopted by the department.*

24 *(c) The firearms dealer shall record on the register or record*
25 *of electronic transfer the date that the firearm is delivered.*

26 *(d) This subdivision shall become inoperative on July 1, 2012.*

27 *SEC. 6.62. Section 28170 is added to the Penal Code, to read:*
28 *28170. Where the register is used, the following shall apply:*

29 *(a) Dealers shall use ink to complete each document.*

30 *(b) The dealer or salesperson making a sale shall ensure that*
31 *all information is provided legibly. The dealer and salespersons*
32 *shall be informed that incomplete or illegible information will*
33 *delay sales.*

34 *(c) Each dealer shall be provided instructions regarding the*
35 *procedure for completion of the form and routing of the form.*
36 *Dealers shall comply with these instructions, which shall include*
37 *the information set forth in this section.*

38 *(d) One firearm transaction shall be reported on each record*
39 *of sale document.*

40 *SEC. 6.63. Section 28180 is added to the Penal Code, to read:*

1 28180. (a) *The purchaser's name, date of birth, and driver's*
2 *license or identification number shall be obtained electronically*
3 *from the magnetic strip on the purchaser's driver's license or*
4 *identification and shall not be supplied by any other means, except*
5 *as authorized by the department.*

6 (b) *The requirement of subdivision (a) shall not apply in either*
7 *of the following cases:*

8 (1) *The purchaser's identification consists of a military*
9 *identification card.*

10 (2) *Due to technical limitations, the magnetic stripe reader is*
11 *unable to obtain the required information from the purchaser's*
12 *identification. In those circumstances, the firearms dealer shall*
13 *obtain a photocopy of the identification as proof of compliance.*

14 (c) *In the event that the dealer has reported to the department*
15 *that the dealer's equipment has failed, information pursuant to*
16 *this section shall be obtained by an alternative method to be*
17 *determined by the department.*

18 SEC. 6.64. *Section 28180 is added to the Penal Code, to read:*

19 28180. (a) *Effective January 1, 2003, the purchaser's name,*
20 *date of birth, and driver's license or identification number shall*
21 *be obtained electronically from the magnetic strip on the*
22 *purchaser's driver's license or identification and shall not be*
23 *supplied by any other means, except as authorized by the*
24 *department.*

25 (b) *The requirement of subdivision (a) shall not apply in either*
26 *of the following cases:*

27 (1) *The purchaser's identification consists of a military*
28 *identification card.*

29 (2) *Due to technical limitations, the magnetic strip reader is*
30 *unable to obtain the required information from the purchaser's*
31 *identification. In those circumstances, the firearms dealer shall*
32 *obtain a photocopy of the identification as proof of compliance.*

33 (c) *In the event that the dealer has reported to the department*
34 *that the dealer's equipment has failed, information pursuant to*
35 *this section shall be obtained by an alternative method to be*
36 *determined by the department.*

37 SEC. 6.65. *Section 28180 is added to the Penal Code, to read:*

38 28180. (a) *The purchaser's name, date of birth, and driver's*
39 *license or identification number shall be obtained electronically*
40 *from the magnetic strip on the purchaser's driver's license or*

1 identification and shall not be supplied by any other means, except
2 as authorized by the department.

3 (b) The requirement of subdivision (a) shall not apply in either
4 of the following cases:

5 (1) The purchaser's identification consists of a military
6 identification card.

7 (2) Due to technical limitations, the magnetic strip reader is
8 unable to obtain the required information from the purchaser's
9 identification. In those circumstances, the firearms dealer shall
10 obtain a photocopy of the identification as proof of compliance.

11 (c) In the event that the dealer has reported to the department
12 that the dealer's equipment has failed, information pursuant to
13 this section shall be obtained by an alternative method to be
14 determined by the department.

15 SEC. 6.66. Section 28185 is added to the Penal Code, to read:

16 28185. (a) No dealer shall provide the information required
17 by this article to any third party, or use the information for any
18 purpose other than as required or authorized by statute or
19 regulation, without the written consent of the purchaser or
20 transferee.

21 (b) This section shall not apply to the electronic submission of
22 information to the department as required by this article and
23 Article 3 (commencing with Section 28200), through a third party
24 authorized by the department.

25 SEC. 6.67. Section 28190 is added to the Penal Code, to read:

26 28190. Any records generated pursuant to this article by a
27 person licensed pursuant to Sections 26700 to 26915, inclusive,
28 that are no longer required to be maintained by that licensee, if
29 destroyed, shall be destroyed in accordance with Section 1798.31
30 of the Civil Code.

31 SEC. 6.68. Section 28210 is added to the Penal Code, to read:

32 28210. (a) (1) Where the register is used, the purchaser of
33 any firearm shall be required to present to the dealer clear
34 evidence of the person's identity and age.

35 (2) The dealer shall require the purchaser to sign the
36 purchaser's current legal name and affix the purchaser's residence
37 address and date of birth to the register in quadruplicate.

38 (3) The salesperson shall sign the register in quadruplicate, as
39 a witness to the signature and identification of the purchaser.

1 (b) Any person furnishing a fictitious name or address,
2 knowingly furnishing any incorrect information, or knowingly
3 omitting any information required to be provided for the register
4 shall be punished as provided in Section 28250.

5 (c) (1) The original of the register shall be retained by the dealer
6 in consecutive order.

7 (2) Each book of 50 originals shall become the permanent
8 register of transactions, which shall be retained for not less than
9 three years from the date of the last transaction.

10 (3) Upon presentation of proper identification, the permanent
11 register of transactions shall be available for inspection by any
12 peace officer, Department of Justice employee designated by the
13 Attorney General, or agent of the federal Bureau of Alcohol,
14 Tobacco, Firearms and Explosives. Until July 1, 2012, no
15 information shall be compiled therefrom regarding the purchasers
16 or other transferees of firearms that are not handguns.

17 (d) On the date of the application to purchase, two copies of
18 the original sheet of the register shall be placed in the mail,
19 postage prepaid, and properly addressed to the Department of
20 Justice.

21 (e) If requested, a photocopy of the original shall be provided
22 to the purchaser by the dealer.

23 (f) If the transaction is a private party transfer conducted
24 pursuant to Chapter 5 (commencing with Section 28050), a
25 photocopy of the original shall be provided to the seller or
26 purchaser by the dealer, upon request. The dealer shall redact all
27 of the purchaser's personal information, as required pursuant to
28 subdivision (a) of Section 28160 and subdivision (a) of Section
29 28165, from the seller's copy, and the seller's personal information
30 from the purchaser's copy.

31 SEC. 6.69. Section 28215 is added to the Penal Code, to read:

32 28215. (a) (1) Where the electronic or telephonic transfer of
33 applicant information is used, the purchaser shall be required to
34 present to the dealer clear evidence of the person's identity and
35 age.

36 (2) The dealer shall require the purchaser to sign the
37 purchaser's current legal name to the record of electronic or
38 telephonic transfer.

1 (3) *The salesperson shall sign the record of electronic or*
2 *telephonic transfer, as a witness to the signature and identification*
3 *of the purchaser.*

4 (b) *Any person furnishing a fictitious name or address,*
5 *knowingly furnishing any incorrect information, or knowingly*
6 *omitting any information required to be provided for the electronic*
7 *or telephonic transfer shall be punished as provided in Section*
8 *28250.*

9 (c) (1) *The original of each record of electronic or telephonic*
10 *transfer shall be retained by the dealer in consecutive order.*

11 (2) *Each original shall become the permanent record of the*
12 *transaction, which shall be retained for not less than three years*
13 *from the date of the last transaction.*

14 (3) *Upon presentation of proper identification, the permanent*
15 *record of the transaction shall be provided for inspection by any*
16 *peace officer, Department of Justice employee designated by the*
17 *Attorney General, or agent of the federal Bureau of Alcohol,*
18 *Tobacco, Firearms and Explosives. Until July 1, 2012, no*
19 *information shall be compiled therefrom regarding the purchasers*
20 *or other transferees of firearms that are not handguns.*

21 (d) *On the date of the application to purchase, the record of*
22 *applicant information shall be transmitted to the Department of*
23 *Justice by electronic or telephonic transfer.*

24 (e) *If requested, a copy of the record of electronic or telephonic*
25 *transfer shall be provided to the purchaser by the dealer.*

26 (f) *If the transaction is a private party transfer conducted*
27 *pursuant to Chapter 5 (commencing with Section 28050), a copy*
28 *shall be provided to the seller or purchaser by the dealer, upon*
29 *request. The dealer shall redact all of the purchaser's personal*
30 *information, as required pursuant to subdivision (a) of Section*
31 *28160 and subdivision (a) of Section 28165, from the seller's copy,*
32 *and the seller's personal information from the purchaser's copy.*

33 SEC. 6.70. *Section 28220 is added to the Penal Code, to read:*

34 28220. (a) *Upon submission of firearm purchaser information,*
35 *the Department of Justice shall examine its records, as well as*
36 *those records that it is authorized to request from the State*
37 *Department of Mental Health pursuant to Section 8104 of the*
38 *Welfare and Institutions Code, in order to determine if the*
39 *purchaser is a person described in subdivision (a) of Section*

1 27535, or is prohibited by state or federal law from possessing,
2 receiving, owning, or purchasing a firearm.

3 (b) To the extent that funding is available, the Department of
4 Justice may participate in the National Instant Criminal
5 Background Check System (NICS), as described in subsection (t)
6 of Section 922 of Title 18 of the United States Code, and, if that
7 participation is implemented, shall notify the dealer and the chief
8 of the police department of the city or city and county in which the
9 sale was made, or if the sale was made in a district in which there
10 is no municipal police department, the sheriff of the county in
11 which the sale was made, that the purchaser is a person prohibited
12 from acquiring a firearm under federal law.

13 (c) If the department determines that the purchaser is prohibited
14 by state or federal law from possessing, receiving, owning, or
15 purchasing a firearm or is a person described in subdivision (a)
16 of Section 27535, it shall immediately notify the dealer and the
17 chief of the police department of the city or city and county in
18 which the sale was made, or if the sale was made in a district in
19 which there is no municipal police department, the sheriff of the
20 county in which the sale was made, of that fact.

21 (d) If the department determines that the copies of the register
22 submitted to it pursuant to subdivision (d) of Section 28210 contain
23 any blank spaces or inaccurate, illegible, or incomplete
24 information, preventing identification of the purchaser or the
25 handgun or other firearm to be purchased, or if any fee required
26 pursuant to Section 28225 is not submitted by the dealer in
27 conjunction with submission of copies of the register, the
28 department may notify the dealer of that fact. Upon notification
29 by the department, the dealer shall submit corrected copies of the
30 register to the department, or shall submit any fee required
31 pursuant to Section 28225, or both, as appropriate and, if
32 notification by the department is received by the dealer at any time
33 prior to delivery of the firearm to be purchased, the dealer shall
34 withhold delivery until the conclusion of the waiting period
35 described in Sections 26815 and 27540.

36 (e) If the department determines that the information transmitted
37 to it pursuant to Section 28215 contains inaccurate or incomplete
38 information preventing identification of the purchaser or the
39 firearm to be purchased, or if the fee required pursuant to Section
40 28225 is not transmitted by the dealer in conjunction with

1 *transmission of the electronic or telephonic record, the department*
2 *may notify the dealer of that fact. Upon notification by the*
3 *department, the dealer shall transmit corrections to the record of*
4 *electronic or telephonic transfer to the department, or shall*
5 *transmit any fee required pursuant to Section 28225, or both, as*
6 *appropriate, and if notification by the department is received by*
7 *the dealer at any time prior to delivery of the firearm to be*
8 *purchased, the dealer shall withhold delivery until the conclusion*
9 *of the waiting period described in Sections 26815 and 27540.*

10 *SEC. 6.71. Section 28240 is added to the Penal Code, to read:*

11 *28240. (a) Until July 1, 2012, only one fee shall be charged*
12 *pursuant to this article for a single transaction on the same date*
13 *for the sale of any number of firearms that are not handguns or*
14 *for the taking of possession of those firearms.*

15 *(b) In a single transaction on the same date for the delivery of*
16 *any number of firearms that are handguns, and commencing July*
17 *1, 2012, for any firearm, the department shall charge a reduced*
18 *fee pursuant to this article for the second and subsequent firearms*
19 *that are part of that transaction.*

20 *(c) Only one fee shall be charged pursuant to this article for a*
21 *single transaction on the same date for taking title or possession*
22 *of any number of firearms pursuant to Section 26905, 27870,*
23 *27875, 27915, 27920, or 27925.*

24 *SEC. 6.72. Section 28245 is added to the Penal Code, to read:*

25 *28245. Whenever the Department of Justice acts pursuant to*
26 *this article as it pertains to firearms other than handguns, the*
27 *department's acts or omissions shall be deemed to be discretionary*
28 *within the meaning of the California Tort Claims Act pursuant to*
29 *Division 3.6 (commencing with Section 810) of Title 1 of the*
30 *Government Code.*

31 *SEC. 6.73. Section 28400 is added to the Penal Code, to read:*

32 *28400. (a) Article 1 (commencing with Section 28100), Article*
33 *2 (commencing with Section 28150), Article 3 (commencing with*
34 *Section 28200), and Article 4 (commencing with Section 28300)*
35 *do not apply to any sale, delivery, or transfer of firearms made to*
36 *an authorized law enforcement representative of any city, county,*
37 *city and county, or state, or of the federal government, for exclusive*
38 *use by that governmental agency if, prior to the sale, delivery, or*
39 *transfer of these firearms, written authorization from the head of*

1 *the agency authorizing the transaction is presented to the person*
2 *from whom the purchase, delivery, or transfer is being made.*

3 *(b) Proper written authorization is defined as verifiable written*
4 *certification from the head of the agency by which the purchaser*
5 *or transferee is employed, identifying the employee as an individual*
6 *authorized to conduct the transaction, and authorizing the*
7 *transaction for the exclusive use of the agency by which that person*
8 *is employed.*

9 *(c) Within 10 days of the date a handgun, and commencing July*
10 *1, 2012, any firearm, is acquired by the agency, a record of the*
11 *same shall be entered as an institutional weapon into the*
12 *Automated Firearms System (AFS) via the California Law*
13 *Enforcement Telecommunications System (CLETS) by the law*
14 *enforcement or state agency. Any agency without access to AFS*
15 *shall arrange with the sheriff of the county in which the agency is*
16 *located to input this information via this system.*

17 *SEC. 6.74. Section 28410 is added to the Penal Code, to read:*

18 *28410. (a) Article 1 (commencing with Section 28100), Article*
19 *2 (commencing with Section 28150), Article 3 (commencing with*
20 *Section 28200), and Article 4 (commencing with Section 28300)*
21 *do not apply to the sale, delivery, or transfer of a firearm by a law*
22 *enforcement agency to a peace officer pursuant to Section 10334*
23 *of the Public Contract Code.*

24 *(b) Within 10 days of the date that a handgun, and commencing*
25 *July 1, 2012, any firearm, is sold, delivered, or transferred*
26 *pursuant to Section 10334 of the Public Contract Code to that*
27 *peace officer, the name of the officer and the make, model, serial*
28 *number, and other identifying characteristics of the firearm being*
29 *sold, delivered, or transferred shall be entered into the Automated*
30 *Firearms System (AFS) via the California Law Enforcement*
31 *Telecommunications System (CLETS) by the law enforcement or*
32 *state agency that sold, delivered, or transferred the firearm. Any*
33 *agency without access to AFS shall arrange with the sheriff of the*
34 *county in which the agency is located to input this information via*
35 *this system.*

36 *SEC. 6.75. Section 28415 is added to the Penal Code, to read:*

37 *28415. (a) Article 1 (commencing with Section 28100), Article*
38 *2 (commencing with Section 28150), Article 3 (commencing with*
39 *Section 28200), and Article 4 (commencing with Section 28300)*
40 *do not apply to the sale, delivery, or transfer of a firearm by a law*

enforcement agency to a retiring peace officer who is authorized to carry a firearm pursuant to Chapter 5 (commencing with Section 26300) of Division 5.

(b) Within 10 days of the date that a handgun, and commencing July 1, 2012, any firearm, is sold, delivered, or transferred to that retiring peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency that sold, delivered, or transferred the firearm. Any agency without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

SEC. 6.76. Section 29805 is added to the Penal Code, to read:

29805. Except as provided in Section 29855 or subdivision (a) of Section 29800, any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, Section 171b, paragraph (1) of subdivision (a) of Section 171c, 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of former Section 12100, as that section read at any time from when it was enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to when it was repealed by Section 18 of Chapter 23 of the Statutes of 1994, Section 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine. The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

1 *SEC. 6.77. Section 29825 is added to the Penal Code, to read:*

2 29825. (a) Every person who purchases or receives, or
3 attempts to purchase or receive, a firearm knowing that the person
4 is prohibited from doing so by a temporary restraining order or
5 injunction issued pursuant to Section 527.6, 527.8, or 527.85 of
6 the Code of Civil Procedure, a protective order as defined in
7 Section 6218 of the Family Code, a protective order issued
8 pursuant to Section 136.2 or 646.91 of this code, or a protective
9 order issued pursuant to Section 15657.03 of the Welfare and
10 Institutions Code, is guilty of a public offense, which shall be
11 punishable by imprisonment in a county jail not exceeding one
12 year or in the state prison, by a fine not exceeding one thousand
13 dollars (\$1,000), or by both that imprisonment and fine.

14 (b) Every person who owns or possesses a firearm knowing that
15 the person is prohibited from doing so by a temporary restraining
16 order or injunction issued pursuant to Section 527.6, 527.8, or
17 527.85 of the Code of Civil Procedure, a protective order as
18 defined in Section 6218 of the Family Code, a protective order
19 issued pursuant to Section 136.2 or 646.91 of this code, or a
20 protective order issued pursuant to Section 15657.03 of the Welfare
21 and Institutions Code, is guilty of a public offense, which shall be
22 punishable by imprisonment in a county jail not exceeding one
23 year, by a fine not exceeding one thousand dollars (\$1,000), or by
24 both that imprisonment and fine.

25 (c) If probation is granted upon conviction of a violation of this
26 section, the court shall impose probation consistent with Section
27 1203.097.

28 (d) The Judicial Council shall provide notice on all protective
29 orders that the respondent is prohibited from owning, possessing,
30 purchasing, receiving, or attempting to purchase or receive a
31 firearm while the protective order is in effect. The order shall also
32 state that the firearm shall be relinquished to the local law
33 enforcement agency for that jurisdiction or sold to a licensed gun
34 dealer, and that proof of surrender or sale shall be filed within a
35 specified time of receipt of the order. The order shall state the
36 penalties for a violation of the prohibition. The order shall also
37 state on its face the expiration date for relinquishment.

38 *SEC. 6.78. Section 30105 is added to the Penal Code, to read:*

39 30105. (a) An individual may request that the Department of
40 Justice perform a firearms eligibility check for that individual.

1 *The applicant requesting the eligibility check shall provide the*
2 *personal information required by Section 28160 or 28165, as*
3 *applicable, but not information regarding any firearm, to the*
4 *department, in an application specified by the department.*

5 *(b) The department shall charge a fee of twenty dollars (\$20)*
6 *for performing the eligibility check authorized by this section, but*
7 *not to exceed the actual processing costs of the department. After*
8 *the department establishes fees sufficient to reimburse the*
9 *department for processing costs, fees charged may increase at a*
10 *rate not to exceed the legislatively approved cost-of-living*
11 *adjustment for the department's budget or as otherwise increased*
12 *through the Budget Act.*

13 *(c) An applicant for the eligibility check pursuant to subdivision*
14 *(a) shall complete the application, have it notarized by any licensed*
15 *California Notary Public, and submit it by mail to the department.*

16 *(d) Upon receipt of a notarized application and fee, the*
17 *department shall do all of the following:*

18 *(1) Examine its records, and the records it is authorized to*
19 *request from the State Department of Mental Health pursuant to*
20 *Section 8104 of the Welfare and Institutions Code, to determine*
21 *if the purchaser is prohibited by state or federal law from*
22 *possessing, receiving, owning, or purchasing a firearm.*

23 *(2) Notify the applicant by mail of its determination of whether*
24 *the applicant is prohibited by state or federal law from possessing,*
25 *receiving, owning, or purchasing a firearm. The department's*
26 *notification shall state either "eligible to possess firearms as of*
27 *the date the check was completed" or "ineligible to possess*
28 *firearms as of the date the check was completed."*

29 *(e) If the department determines that the information submitted*
30 *to it in the application contains any blank spaces, or inaccurate,*
31 *illegible, or incomplete information, preventing identification of*
32 *the applicant, or if the required fee is not submitted, the department*
33 *shall not be required to perform the firearms eligibility check.*

34 *(f) The department shall make applications to conduct a firearms*
35 *eligibility check as described in this section available to licensed*
36 *firearms dealers and on the department's Web site.*

37 *(g) The department shall be immune from any liability arising*
38 *out of the performance of the firearms eligibility check, or any*
39 *reliance upon the firearms eligibility check.*

1 (h) No person or agency may require or request another person
2 to obtain a firearms eligibility check or notification of a firearms
3 eligibility check pursuant to this section. A violation of this
4 subdivision is a misdemeanor.

5 (i) The department shall include on the application specified in
6 subdivision (a) and the notification of eligibility specified in
7 subdivision (d) the following statements:

8 “No person or agency may require or request another person
9 to obtain a firearms eligibility check or notification of firearms
10 eligibility check pursuant to Section 30105 of the Penal Code. A
11 violation of these provisions is a misdemeanor.”

12 “If the applicant for a firearms eligibility check purchases,
13 transfers, or receives a firearm through a licensed dealer as
14 required by law, a waiting period and background check are both
15 required.”

16 SEC. 6.79. Section 30150 is added to the Penal Code, to read:

17 30150. (a) Section 30105 does not apply to any sale, delivery,
18 or transfer of firearms made to an authorized law enforcement
19 representative of any city, county, city and county, or state, or of
20 the federal government, for exclusive use by that governmental
21 agency if, prior to the sale, delivery, or transfer of these firearms,
22 written authorization from the head of the agency authorizing the
23 transaction is presented to the person from whom the purchase,
24 delivery, or transfer is being made.

25 (b) Proper written authorization is defined as verifiable written
26 certification from the head of the agency by which the purchaser
27 or transferee is employed, identifying the employee as an individual
28 authorized to conduct the transaction, and authorizing the
29 transaction for the exclusive use of the agency by which that person
30 is employed.

31 (c) Within 10 days of the date a handgun, and commencing July
32 1, 2012, any firearm, is acquired by the agency, a record of the
33 same shall be entered as an institutional weapon into the
34 Automated Firearms System (AFS) via the California Law
35 Enforcement Telecommunications System (CLETS) by the law
36 enforcement or state agency. Any agency without access to AFS
37 shall arrange with the sheriff of the county in which the agency is
38 located to input this information via this system.

39 SEC. 6.80. Section 30160 is added to the Penal Code, to read:

1 30160. (a) Section 30105 does not apply to the sale, delivery,
2 or transfer of a firearm by a law enforcement agency to a peace
3 officer pursuant to Section 10334 of the Public Contract Code.

4 (b) Within 10 days of the date that a handgun, and commencing
5 July 1, 2012, any firearm, is sold, delivered, or transferred
6 pursuant to Section 10334 of the Public Contract Code to that
7 peace officer, the name of the officer and the make, model, serial
8 number, and other identifying characteristics of the firearm being
9 sold, delivered, or transferred shall be entered into the Automated
10 Firearms System (AFS) via the California Law Enforcement
11 Telecommunications System (CLETS) by the law enforcement or
12 state agency that sold, delivered, or transferred the firearm. Any
13 agency without access to AFS shall arrange with the sheriff of the
14 county in which the agency is located to input this information via
15 this system.

16 SEC. 6.81. Section 30165 is added to the Penal Code, to read:

17 30165. (a) Section 30105 does not apply to the sale, delivery,
18 or transfer of a firearm by a law enforcement agency to a retiring
19 peace officer who is authorized to carry a firearm pursuant to
20 Chapter 5 (commencing with Section 26300) of Division 5.

21 (b) Within 10 days of the date that a handgun, and commencing
22 July 1, 2012, any firearm, is sold, delivered, or transferred to that
23 retiring peace officer, the name of the officer and the make, model,
24 serial number, and other identifying characteristics of the firearm
25 being sold, delivered, or transferred shall be entered into the
26 Automated Firearms System (AFS) via the California Law
27 Enforcement Telecommunications System (CLETS) by the law
28 enforcement or state agency that sold, delivered, or transferred
29 the firearm. Any agency without access to AFS shall arrange with
30 the sheriff of the county in which the agency is located to input
31 this information via this system.

32 SEC. 6.82. Section 30312 is added to the Penal Code, to read:

33 30312. (a) Commencing February 1, 2011, the delivery or
34 transfer of ownership of handgun ammunition in this state may
35 only occur in a face-to-face transaction with the deliverer or
36 transferor being provided bona fide evidence of identity from the
37 purchaser or other transferee, provided, however, that handgun
38 ammunition may be purchased over the Internet or through other
39 means of remote ordering if a handgun ammunition vendor in
40 California initially receives the ammunition and processes the

1 *transfer in compliance with this section and Article 3 (commencing*
2 *with Section 30345).*

3 *(b) Subdivision (a) shall not apply to or affect the sale, delivery,*
4 *or transfer of handgun ammunition to any of the following:*

5 *(1) An authorized law enforcement representative of a city,*
6 *county, city and county, or state or federal government, if the sale,*
7 *delivery, or transfer is for exclusive use by that government agency*
8 *and, prior to the sale, delivery, or transfer of the handgun*
9 *ammunition, written authorization from the head of the agency*
10 *employing the purchaser or transferee is obtained, identifying the*
11 *employee as an individual authorized to conduct the transaction,*
12 *and authorizing the transaction for the exclusive use of the agency*
13 *employing the individual.*

14 *(2) A sworn peace officer, as defined in Chapter 4.5*
15 *(commencing with Section 830) of Title 3 of Part 2 who is*
16 *authorized to carry a firearm in the course and scope of the*
17 *officer's duties.*

18 *(3) An importer or manufacturer of handgun ammunition or*
19 *firearms who is licensed to engage in business pursuant to Chapter*
20 *44 (commencing with Section 921) of Title 18 of the United States*
21 *Code and the regulations issued pursuant thereto.*

22 *(4) A person who is on the centralized list maintained by the*
23 *Department of Justice pursuant to Article 6 (commencing with*
24 *Section 28450) of Chapter 6 of Division 6 of this title.*

25 *(5) A person who is licensed as a dealer or collector of firearms*
26 *pursuant to Chapter 44 (commencing with Section 921) of Title*
27 *18 of the United States Code and the regulations issued pursuant*
28 *thereto, and who has a current certificate of eligibility issued by*
29 *the Department of Justice pursuant to Section 26710.*

30 *(6) A handgun ammunition vendor.*

31 *(7) A consultant-evaluator.*

32 *(c) A violation of this section is a misdemeanor.*

33 *SEC. 6.83. Section 30346 is added to the Penal Code, to read:*

34 *30346. (a) Commencing February 1, 2011, a vendor shall*
35 *provide written notice to the local police chief, or if the vendor is*
36 *in an unincorporated area, to the county sheriff, of the vendor's*
37 *intent to conduct business in the jurisdiction, and shall obtain any*
38 *regulatory or business license required by the jurisdiction for*
39 *ammunition sellers.*

1 ***(b) Copies of the ammunition sales records required by this***
2 ***article shall be transmitted to the county sheriff or chief of police***
3 ***if required by local law.***

4 ***SEC. 6.84. Section 30352 is added to the Penal Code, to read:***
5 ***30352. (a) Commencing February 1, 2011, a vendor shall not***
6 ***sell or otherwise transfer ownership of any handgun ammunition***
7 ***without, at the time of delivery, legibly or electronically recording***
8 ***the following information:***

9 ***(1) The date of the sale or other transaction.***

10 ***(2) The purchaser's or transferee's driver's license or other***
11 ***identification number and the state in which it was issued.***

12 ***(3) The brand, type, and amount of ammunition sold or***
13 ***otherwise transferred.***

14 ***(4) The purchaser's or transferee's signature.***

15 ***(5) The name of the salesperson who processed the sale or other***
16 ***transaction.***

17 ***(6) The right thumbprint of the purchaser or transferee on the***
18 ***above form.***

19 ***(7) The purchaser's or transferee's full residential address and***
20 ***telephone number.***

21 ***(8) The purchaser's or transferee's date of birth.***

22 ***(b) Subdivision (a) shall not apply to or affect sales or other***
23 ***transfers of ownership of handgun ammunition by handgun***
24 ***ammunition vendors to any of the following, if properly identified:***

25 ***(1) A person licensed pursuant to Sections 26700 to 26915,***
26 ***inclusive.***

27 ***(2) A handgun ammunition vendor.***

28 ***(3) A person who is on the centralized list maintained by the***
29 ***department pursuant to Article 6 (commencing with Section 28450)***
30 ***of Chapter 6 of Division 6 of this title.***

31 ***(4) A target facility that holds a business or regulatory license.***

32 ***(5) A gunsmith.***

33 ***(6) A wholesaler.***

34 ***(7) A manufacturer or importer of firearms licensed pursuant***
35 ***to Chapter 44 (commencing with Section 921) of Title 18 of the***
36 ***United States Code, and the regulations issued pursuant thereto.***

37 ***(8) An authorized law enforcement representative of a city,***
38 ***county, city and county, or state or federal government, if the sale***
39 ***or other transfer of ownership is for exclusive use by that***
40 ***government agency, and, prior to the sale, delivery, or transfer of***

1 *the handgun ammunition, written authorization from the head of*
2 *the agency authorizing the transaction is presented to the person*
3 *from whom the purchase, delivery, or transfer is being made.*
4 *Proper written authorization is defined as verifiable written*
5 *certification from the head of the agency by which the purchaser,*
6 *transferee, or person otherwise acquiring ownership is employed,*
7 *identifying the employee as an individual authorized to conduct*
8 *the transaction, and authorizing the transaction for the exclusive*
9 *use of the agency by which that individual is employed.*

10 SEC. 6.85. Section 30355 is added to the Penal Code, to read:

11 30355. (a) Commencing February 1, 2011, the records
12 required by this article shall be maintained on the premises of the
13 vendor for a period of not less than five years from the date of the
14 recorded transfer.

15 (b) Any records required by this article that are no longer
16 required to be maintained shall be destroyed in a manner that
17 protects the privacy of the purchaser or transferee who is the
18 subject of the record.

19 SEC. 6.86. Section 30355 is added to the Penal Code, to read:

20 30355. (a) Commencing February 1, 2011, the records
21 required by this article shall be maintained on the premises of the
22 vendor for a period of not less than five years from the date of the
23 recorded transfer.

24 (b) Any records required by this article that are no longer
25 required to be maintained shall be destroyed in a manner that
26 protects the privacy of the purchaser or transferee who is the
27 subject of the record.

28 (c) Any records generated pursuant to this article that are no
29 longer required to be maintained shall be destroyed in accordance
30 with Section 1798.81 of the Civil Code.

31 SEC. 6.87. Section 30357 is added to the Penal Code, to read:

32 30357. (a) Commencing February 1, 2011, the records referred
33 to in Section 30352 shall be subject to inspection at any time during
34 normal business hours by any peace officer employed by a sheriff,
35 city police department, or district attorney as provided in
36 subdivision (a) of Section 830.1, or employed by the department
37 as provided in subdivision (b) of Section 830.1, provided that the
38 officer is conducting an investigation where access to those records
39 is or may be relevant, is seeking information about persons
40 prohibited from owning a firearm or ammunition, or is engaged

1 *in ensuring compliance with the Dangerous Weapons Control*
2 *Law, as defined in Section 23500, or any other laws pertaining to*
3 *firearms or ammunition.*

4 *(b) The records referred to in Section 30352 shall also be subject*
5 *to inspection at any time during normal business hours by any*
6 *other employee of the department, provided that the employee is*
7 *conducting an investigation where access to those records is or*
8 *may be relevant, is seeking information about persons prohibited*
9 *from owning a firearm or ammunition, or is engaged in ensuring*
10 *compliance with the Dangerous Weapons Control Law, as defined*
11 *in Section 23500, or any other laws pertaining to firearms or*
12 *ammunition.*

13 *(c) Records may be copied for investigatory or enforcement*
14 *purposes by any person authorized to inspect those records*
15 *pursuant to this article.*

16 *SEC. 6.88. Section 30358 is added to the Penal Code, to read:*
17 *30358. Commencing February 1, 2011, except for the purposes*
18 *set forth in Section 30357, no vendor shall provide the information*
19 *specified in subdivision (a) of Section 30352 to any third party*
20 *without the written consent of the purchaser or transferee.*

21 *SEC. 6.89. Section 30358 is added to the Penal Code, to read:*
22 *30358. Commencing February 1, 2011, except for the purposes*
23 *set forth in Section 30357, no vendor shall provide the information*
24 *specified in subdivision (a) of Section 30352 to any third party, or*
25 *use the information for any purpose other than as is required or*
26 *authorized by statute or regulation, without the written consent of*
27 *the purchaser or transferee of the handgun ammunition who is the*
28 *subject of the record.*

29 *SEC. 6.895. Section 30365 is added to the Penal Code, to read:*
30 *30365. (a) A violation of Section 30352, 30355, 30358, 30360,*
31 *or 30362 is a misdemeanor.*

32 *(b) The provisions of this section are cumulative, and shall not*
33 *be construed as restricting the application of any other law.*
34 *However, an act or omission punishable in different ways by*
35 *different provisions of law shall not be punished under more than*
36 *one provision.*

37 *SEC. 6.90. Section 31705 is added to the Penal Code, to read:*
38 *31705. (a) Subdivision (a) of Section 31615 does not apply to*
39 *any sale, delivery, or transfer of firearms made to an authorized*
40 *law enforcement representative of any city, county, city and county,*

1 or state, or of the federal government, for exclusive use by that
2 governmental agency if, prior to the sale, delivery, or transfer of
3 these firearms, written authorization from the head of the agency
4 authorizing the transaction is presented to the person from whom
5 the purchase, delivery, or transfer is being made.

6 (b) Proper written authorization is defined as verifiable written
7 certification from the head of the agency by which the purchaser
8 or transferee is employed, identifying the employee as an individual
9 authorized to conduct the transaction, and authorizing the
10 transaction for the exclusive use of the agency by which that person
11 is employed.

12 (c) Within 10 days of the date a handgun, and commencing July
13 1, 2012, any firearm, is acquired by the agency, a record of the
14 same shall be entered as an institutional weapon into the
15 Automated Firearms System (AFS) via the California Law
16 Enforcement Telecommunications System (CLETS) by the law
17 enforcement or state agency. Any agency without access to AFS
18 shall arrange with the sheriff of the county in which the agency is
19 located to input this information via this system.

20 SEC. 6.91. Section 31715 is added to the Penal Code, to read:
21 31715. (a) Subdivision (a) of Section 31615 does not apply to
22 the sale, delivery, or transfer of a firearm by a law enforcement
23 agency to a peace officer pursuant to Section 10334 of the Public
24 Contract Code.

25 (b) Within 10 days of the date that a handgun, and commencing
26 July 1, 2012, any firearm, is sold, delivered, or transferred
27 pursuant to Section 10334 of the Public Contract Code to that
28 peace officer, the name of the officer and the make, model, serial
29 number, and other identifying characteristics of the firearm being
30 sold, delivered, or transferred shall be entered into the Automated
31 Firearms System (AFS) via the California Law Enforcement
32 Telecommunications System (CLETS) by the law enforcement or
33 state agency that sold, delivered, or transferred the firearm. Any
34 agency without access to AFS shall arrange with the sheriff of the
35 county in which the agency is located to input this information via
36 this system.

37 SEC. 6.92. Section 31720 is added to the Penal Code, to read:
38 31720. (a) Subdivision (a) of Section 31615 does not apply to
39 the sale, delivery, or transfer of a firearm by a law enforcement
40 agency to a retiring peace officer who is authorized to carry a

1 *firearm pursuant to Chapter 5 (commencing with Section 26300)*
2 *of Division 5.*

3 *(b) Within 10 days of the date that a handgun, and commencing*
4 *July 1, 2102, any firearm, is sold, delivered, or transferred to that*
5 *retiring peace officer, the name of the officer and the make, model,*
6 *serial number, and other identifying characteristics of the firearm*
7 *being sold, delivered, or transferred shall be entered into the*
8 *Automated Firearms System (AFS) via the California Law*
9 *Enforcement Telecommunications System (CLETS) by the law*
10 *enforcement or state agency that sold, delivered, or transferred*
11 *the firearm. Any agency without access to AFS shall arrange with*
12 *the sheriff of the county in which the agency is located to input*
13 *this information via this system.*

14 *SEC. 6.93. Section 31735 is added to the Penal Code, to read:*
15 *31735. Subdivision (a) of Section 31615 does not apply to the*
16 *sale, delivery, loan, or transfer of a firearm made by any person*
17 *other than a representative of an authorized law enforcement*
18 *agency to any public or private nonprofit historical society,*
19 *museum, or institutional collection, if all of the following conditions*
20 *are met:*

21 *(a) The entity receiving the firearm is open to the public.*

22 *(b) The firearm is deactivated or rendered inoperable prior to*
23 *delivery.*

24 *(c) The firearm is not of a type prohibited from being sold,*
25 *delivered, or transferred to the public.*

26 *(d) Prior to delivery, the entity receiving the firearm submits a*
27 *written statement to the person selling, loaning, or transferring*
28 *the firearm stating that the firearm will not be restored to operating*
29 *condition, and will either remain with that entity, or if subsequently*
30 *disposed of, will be transferred in accordance with the applicable*
31 *provisions listed in Section 16575 and, if applicable, with Section*
32 *31615.*

33 *(e) If title to a handgun, and commencing July 1, 2012, any*
34 *firearm, is being transferred to the public or private nonprofit*
35 *historical society, museum, or institutional collection, then the*
36 *designated representative of that entity shall, within 30 days of*
37 *taking possession of that firearm, forward by prepaid mail or*
38 *deliver in person to the Department of Justice, a single report*
39 *signed by both parties to the transaction, which includes all of the*
40 *following information:*

1 (1) Information identifying the person representing the public
2 or private historical society, museum, or institutional collection.

3 (2) Information on how title was obtained and from whom.

4 (3) A description of the firearm in question.

5 (4) A copy of the written statement referred to in subdivision
6 (d).

7 (f) The report forms that are to be completed pursuant to this
8 section shall be provided by the Department of Justice.

9 (g) In the event of a change in the status of the designated
10 representative, the entity shall notify the department of a new
11 representative within 30 days.

12 SEC. 6.94. Section 31775 is added to the Penal Code, to read:

13 31775. Until July 1, 2012, subdivision (a) of Section 31615
14 does not apply to the sale, delivery, or transfer of firearms if all
15 of the following conditions are satisfied:

16 (a) The firearms are unloaded.

17 (b) The firearms are not handguns.

18 (c) The sale, delivery, or transfer is made by a dealer to another
19 dealer, upon proof of compliance with the requirements of Section
20 27555.

21 SEC. 6.95. Section 31795 is added to the Penal Code, to read:

22 31795. Until July 1, 2012, subdivision (a) of Section 31615
23 does not apply to the sale, delivery, or transfer of an unloaded
24 firearm, other than a handgun, by a dealer to himself or herself.

25 SEC. 6.96. Section 33850 is added to the Penal Code, to read:

26 33850. (a) Any person who claims title to any firearm that is
27 in the custody or control of a court or law enforcement agency
28 and who wishes to have the firearm returned shall make application
29 for a determination by the Department of Justice as to whether
30 the applicant is eligible to possess a firearm. The application shall
31 include the following:

32 (1) The applicant's name, date and place of birth, gender,
33 telephone number, and complete address.

34 (2) Whether the applicant is a United States citizen. If the
35 applicant is not a United States citizen, the application shall also
36 include the applicant's country of citizenship and the applicant's
37 alien registration or I-94 number.

38 (3) If the firearm is a handgun, and commencing July 1, 2012,
39 for any firearm, the firearm's make, model, caliber, barrel length,
40 handgun type, country of origin, and serial number, provided,

1 *however, that if the firearm is not a handgun and does not have a*
2 *serial number, identification number, or identification mark*
3 *assigned to it, a place on the application to note that fact.*

4 *(4) For residents of California, the applicant's valid California*
5 *driver's license number or valid California identification card*
6 *number issued by the Department of Motor Vehicles. For*
7 *nonresidents of California, a copy of the applicant's military*
8 *identification with orders indicating that the individual is stationed*
9 *in California, or a copy of the applicant's valid driver's license*
10 *from the applicant's state of residence, or a copy of the applicant's*
11 *state identification card from the applicant's state of residence.*
12 *Copies of the documents provided by non-California residents*
13 *shall be notarized.*

14 *(5) The name of the court or law enforcement agency holding*
15 *the firearm.*

16 *(6) The signature of the applicant and the date of signature.*

17 *(7) Any person furnishing a fictitious name or address or*
18 *knowingly furnishing any incorrect information or knowingly*
19 *omitting any information required to be provided for the*
20 *application, including any notarized information pursuant to*
21 *paragraph (4), shall be guilty of a misdemeanor.*

22 *(b) A person who owns a firearm that is in the custody of a court*
23 *or law enforcement agency and who does not wish to obtain*
24 *possession of the firearm, and the firearm is an otherwise legal*
25 *firearm, and the person otherwise has right to title of the firearm,*
26 *shall be entitled to sell or transfer title of the firearm to a licensed*
27 *dealer.*

28 *(c) Any person furnishing a fictitious name or address, or*
29 *knowingly furnishing any incorrect information or knowingly*
30 *omitting any information required to be provided for the*
31 *application, including any notarized information pursuant to*
32 *paragraph (4) of subdivision (a), is punishable as a misdemeanor.*

33 *SEC. 6.97. Section 33860 is added to the Penal Code, to read:*

34 *33860. (a) The Department of Justice shall establish a fee of*
35 *twenty dollars (\$20) per request for return of a firearm, plus a*
36 *three-dollar (\$3) charge for each additional firearm being*
37 *processed as part of the request to return a firearm, to cover its*
38 *costs for processing firearm clearance determinations submitted*
39 *pursuant to this chapter.*

1 **(b)** *The fees collected pursuant to subdivision (a) shall be*
2 *deposited into the Dealers' Record of Sale Special Account.*

3 **(c)** *The department may increase the fee by using the California*
4 *Consumer Price Index as compiled and reported by the California*
5 *Department of Industrial Relations to determine an annual rate*
6 *of increase. Any fee increase shall be rounded to the nearest dollar.*

7 SEC. 6.98. *Section 33865 is added to the Penal Code, to read:*

8 33865. **(a)** *When the Department of Justice receives a*
9 *completed application pursuant to Section 33850 accompanied by*
10 *the fee required pursuant to Section 33860, it shall conduct an*
11 *eligibility check of the applicant to determine whether the applicant*
12 *is eligible to possess a firearm.*

13 **(b)** *The department shall have 30 days from the date of receipt*
14 *to complete the background check, unless the background check*
15 *is delayed by circumstances beyond the control of the department.*
16 *The applicant may contact the department to inquire about the*
17 *reason for a delay.*

18 **(c)** *If the department determines that the applicant is eligible*
19 *to possess the firearm, the department shall provide the applicant*
20 *with written notification that includes the following:*

21 **(1)** *The identity of the applicant.*

22 **(2)** *A statement that the applicant is eligible to possess a firearm.*

23 **(3)** *A description of the firearm by make, model, and serial*
24 *number, provided, however, that if the firearm is not a handgun*
25 *and does not have a serial number, identification number, or*
26 *identification mark assigned to it, a place on the application to*
27 *note that fact.*

28 **(d)** *If the firearm is a handgun, and commencing July 1, 2012,*
29 *for any firearm, the department shall enter a record of the firearm*
30 *into the Automated Firearms System, provided, however, that if*
31 *the firearm is not a handgun and does not have a serial number,*
32 *identification number, or identification mark assigned to it, the*
33 *department shall note that fact.*

34 **(e)** *If the department denies the application, and the firearm is*
35 *an otherwise legal firearm, the department shall notify the*
36 *applicant of the denial and provide a form for the applicant to use*
37 *to sell or transfer the firearm to a licensed dealer. The applicant*
38 *may contact the department to inquire about the reason for the*
39 *denial.*

40 SEC. 6.99. *Section 33880 is added to the Penal Code, to read:*

1 33880. (a) A city, county, or city and county, or a state agency
2 may adopt a regulation, ordinance, or resolution imposing a
3 charge equal to its administrative costs relating to the seizure,
4 impounding, storage, or release of a firearm.

5 (b) The fee under subdivision (a) shall not exceed the actual
6 costs incurred for the expenses directly related to taking possession
7 of a firearm, storing the firearm, and surrendering possession of
8 the firearm to a licensed firearms dealer or to the owner.

9 (c) The administrative costs described in subdivisions (a) and
10 (b) may be waived by the local or state agency upon verifiable
11 proof that the firearm was reported stolen at the time the firearm
12 came into the custody or control of the law enforcement agency.

13 (d) The following apply to any charges imposed for
14 administrative costs pursuant to this section:

15 (1) The charges shall only be imposed on the person claiming
16 title to the firearm.

17 (2) Any charges shall be collected by the local or state authority
18 only from the person claiming title to the firearm.

19 (3) The charges shall be in addition to any other charges
20 authorized or imposed pursuant to this code.

21 (4) No charge may be imposed for any hearing or appeal
22 relating to the removal, impound, storage, or release of a firearm,
23 unless that hearing or appeal was requested in writing by the legal
24 owner of the firearm. In addition, the charge may be imposed only
25 upon the person requesting that hearing or appeal.

26 (e) No costs for any hearing or appeal related to the release of
27 a firearm shall be charged to the legal owner who redeems the
28 firearm, unless the legal owner voluntarily requests the poststorage
29 hearing or appeal. No city, county, city and county, or state agency
30 shall require a legal owner to request a poststorage hearing as a
31 requirement for release of the firearm to the legal owner.

32 SEC. 6.100. Section 33890 is added to the Penal Code, to read:

33 33890. (a) Notwithstanding Section 11106, the Department
34 of Justice may retain personal information about an applicant in
35 connection with a claim under this chapter for a firearm that is
36 not a handgun, to allow for law enforcement confirmation of
37 compliance with this chapter. The information retained may include
38 personal identifying information regarding the individual applying
39 for the clearance, but may not include information that identifies
40 any particular firearm that is not a handgun.

1 (b) *This section shall become inoperative on July 1, 2012.*

2 SEC. 6.101. *Section 34355 is added to the Penal Code, to read:*

3 34355. (a) *Section 34350 does not apply to any sale, delivery,*
4 *or transfer of firearms made to an authorized law enforcement*
5 *representative of any city, county, city and county, or state, or of*
6 *the federal government, for exclusive use by that governmental*
7 *agency if, prior to the sale, delivery, or transfer of these firearms,*
8 *written authorization from the head of the agency authorizing the*
9 *transaction is presented to the person from whom the purchase,*
10 *delivery, or transfer is being made.*

11 (b) *Proper written authorization is defined as verifiable written*
12 *certification from the head of the agency by which the purchaser*
13 *or transferee is employed, identifying the employee as an individual*
14 *authorized to conduct the transaction, and authorizing the*
15 *transaction for the exclusive use of the agency by which that person*
16 *is employed.*

17 (c) *Within 10 days of the date a handgun, and commencing July*
18 *1, 2012, any firearm, is acquired by the agency, a record of the*
19 *same shall be entered as an institutional weapon into the*
20 *Automated Firearms System (AFS) via the California Law*
21 *Enforcement Telecommunications System (CLETS) by the law*
22 *enforcement or state agency. Any agency without access to AFS*
23 *shall arrange with the sheriff of the county in which the agency is*
24 *located to input this information via this system.*

25 SEC. 6.102. *Section 34365 is added to the Penal Code, to read:*

26 34365. (a) *Section 34350 does not apply to the sale, delivery,*
27 *or transfer of a firearm by a law enforcement agency to a peace*
28 *officer pursuant to Section 10334 of the Public Contract Code.*

29 (b) *Within 10 days of the date that a handgun, and commencing*
30 *July 1, 2012, any firearm, is sold, delivered, or transferred*
31 *pursuant to Section 10334 of the Public Contract Code to that*
32 *peace officer, the name of the officer and the make, model, serial*
33 *number, and other identifying characteristics of the firearm being*
34 *sold, delivered, or transferred shall be entered into the Automated*
35 *Firearms System (AFS) via the California Law Enforcement*
36 *Telecommunications System (CLETS) by the law enforcement or*
37 *state agency that sold, delivered, or transferred the firearm. Any*
38 *agency without access to AFS shall arrange with the sheriff of the*
39 *county in which the agency is located to input this information via*
40 *this system.*

1 *SEC. 6.103. Section 34370 is added to the Penal Code, to read:*
2 *34370. (a) Section 34350 does not apply to the sale, delivery,*
3 *or transfer of a firearm by a law enforcement agency to a retiring*
4 *peace officer who is authorized to carry a firearm pursuant to*
5 *Chapter 5 (commencing with Section 26300) of Division 5.*

6 *(b) Within 10 days of the date that a handgun, and commencing*
7 *July 1, 2012, any firearm, is sold, delivered, or transferred to that*
8 *retiring peace officer, the name of the officer and the make, model,*
9 *serial number, and other identifying characteristics of the firearm*
10 *being sold, delivered, or transferred shall be entered into the*
11 *Automated Firearms System (AFS) via the California Law*
12 *Enforcement Telecommunications System (CLETS) by the law*
13 *enforcement or state agency that sold, delivered, or transferred*
14 *the firearm. Any agency without access to AFS shall arrange with*
15 *the sheriff of the county in which the agency is located to input*
16 *this information via this system.*

17 *SEC. 7. The California Law Revision Commission is authorized*
18 *to study and to make recommendations to the Legislature and the*
19 *Governor regarding the minor clean-up issues identified in the*
20 *report prepared by that commission pursuant to Resolution Chapter*
21 *128 of the Statutes of 2006.*

22 *SEC. 8.01. Section 6.01 of this bill adds Section 12021.5 to the*
23 *Penal Code, and incorporates into that section amendments to*
24 *Section 12021.5 of the Penal Code, as added by Section 8 of*
25 *Chapter 171 of the Statutes of 2009, proposed by AB 2263. It shall*
26 *only become operative if (1) both bills are enacted and become*
27 *effective on or before January 1, 2011, (2) AB 2263 amends Section*
28 *12021.5 of the Penal Code, as added by Section 8 of Chapter 171*
29 *of the Statutes of 2009, (3) this bill repeals and adds Section*
30 *12021.5 of the Penal Code on January 1, 2012, and (4) this bill is*
31 *enacted after AB 2263, in which case Section 12021.5 as proposed*
32 *to be added by Section 5 of this bill shall not become operative.*

33 *SEC. 8.02. Section 6.02 of this bill adds Section 12022.2 to the*
34 *Penal Code, and incorporates into that section amendments to*
35 *Section 12022.2 of the Penal Code, as added by Section 10 of*
36 *Chapter 171 of the Statutes of 2009, proposed by AB 2263. It shall*
37 *only become operative if (1) both bills are enacted and become*
38 *effective on or before January 1, 2011, (2) AB 2263 amends Section*
39 *12022.2 of the Penal Code, as added by Section 10 of Chapter 171*
40 *of the Statutes of 2009, (3) this bill repeals and adds Section*

1 12022.2 of the Penal Code on January 1, 2012, and (4) this bill is
2 enacted after AB 2263, in which case Section 12022.2 as proposed
3 to be added by Section 5 of this bill shall not become operative.

4 SEC. 8.03. Section 6.03 of this bill adds Section 12022.4 to the
5 Penal Code, and incorporates into that section amendments to
6 Section 12022.4 of the Penal Code, as added by Section 12 of
7 Chapter 171 of the Statutes of 2009, proposed by AB 2263. It shall
8 only become operative if (1) both bills are enacted and become
9 effective on or before January 1, 2011, (2) AB 2263 amends Section
10 12022.4 of the Penal Code, as added by Section 12 of Chapter 171
11 of the Statutes of 2009, (3) this bill repeals and adds Section
12 12022.4 of the Penal Code on January 1, 2012, and (4) this bill is
13 enacted after AB 2263, in which case Section 12022.4 as proposed
14 to be added by Section 5 of this bill shall not become operative.

15 SEC. 8.04. Section 6.04 of this bill adds Section 16520 to the
16 Penal Code, and incorporates into that section amendments to
17 subdivision (e) of Section 12001 of the Penal Code proposed by
18 AB 1934. It shall only become operative if (1) both bills are enacted
19 and become effective on or before January 1, 2011, (2) AB 1934
20 amends subdivision (e) of Section 12001 of the Penal Code, (3)
21 this bill adds Section 16520 to the Penal Code, and (4) this bill is
22 enacted after AB 1934, in which case Section 16520 as proposed
23 to be added by Section 6 of this bill shall not become operative.

24 SEC. 8.045. Section 6.045 of this bill adds Section 16650 to
25 the Penal Code, and incorporates into that section amendments
26 to Section 12323 of the Penal Code proposed by AB 2358. It shall
27 only become operative if (1) both bills are enacted and become
28 effective on or before January 1, 2011, (2) AB 2358 amends Section
29 12323 of the Penal Code, (3) this bill adds Section 16650 to the
30 Penal Code, and (4) this bill is enacted after AB 2358, in which
31 case Section 16650 as proposed to be added by Section 6 of this
32 bill shall not become operative.

33 SEC. 8.05. Section 6.05 of this bill adds Section 16840 to the
34 Penal Code, and adjusts a cross-reference in that section to reflect
35 amendments to Section 12025 of the Penal Code proposed by AB
36 1934. It shall only become operative if (1) both bills are enacted
37 and become effective on or before January 1, 2011, (2) AB 1934
38 amends Section 12025 of the Penal Code to delete subdivision (b),
39 (3) this bill adds Section 16840 to the Penal Code, and (4) this
40 bill is enacted after AB 1934, in which case Section 16840 as

1 *proposed to be added by Section 6 of this bill shall not become*
2 *operative.*

3 *SEC. 8.06. Section 6.06 of this bill adds Section 17000 to the*
4 *Penal Code, and incorporates into that section amendments to*
5 *subdivision (n) of Section 12001 of the Penal Code proposed by*
6 *AB 1934. It shall only become operative if (1) both AB 1934 and*
7 *this bill are enacted and become effective on or before January 1,*
8 *2011, (2) AB 1934 amends subdivision (n) of Section 12001 of the*
9 *Penal Code, (3) this bill adds Section 17000 to the Penal Code,*
10 *(4) AB 1810 is not enacted, does not become effective on or before*
11 *January 1, 2011, or does not amend subdivision (n) of Section*
12 *12001 of the Penal Code, and (5) this bill is enacted after AB 1934,*
13 *in which case Section 17000 as proposed to be added by Section*
14 *6 of this bill shall not become operative.*

15 *SEC. 8.07. Section 6.07 of this bill adds Section 17000 to the*
16 *Penal Code, and incorporates into that section amendments to*
17 *subdivision (n) of Section 12001 of the Penal Code proposed by*
18 *AB 1810. It shall only become operative if (1) both AB 1810 and*
19 *this bill are enacted and become effective on or before January 1,*
20 *2011, (2) AB 1810 amends subdivision (n) of Section 12001 of the*
21 *Penal Code, (3) this bill adds Section 17000 to the Penal Code,*
22 *and (4) this bill is enacted after AB 1810, in which case Section*
23 *17000 as proposed to be added by Section 6 of this bill shall not*
24 *become operative.*

25 *SEC. 8.08. Section 6.08 of this bill adds Section 17040 to the*
26 *Penal Code, which would continue the substance of paragraph*
27 *(3) of subdivision (f) of Section 12037 proposed to be added to the*
28 *Penal Code by AB 1934. It shall only become operative if (1) both*
29 *bills are enacted and become effective on or before January 1,*
30 *2011, (2) AB 1934 adds Section 12037 to the Penal Code and that*
31 *section includes a definition of “public place,” and (3) this bill is*
32 *enacted after AB 1934.*

33 *SEC. 8.09. Section 6.09 of this bill adds Section 17295 to the*
34 *Penal Code, which would continue the substance of paragraph*
35 *(1) of subdivision (f) of Section 12037 proposed to be added to the*
36 *Penal Code by AB 1934. It shall only become operative if (1) both*
37 *bills are enacted and become effective on or before January 1,*
38 *2011, (2) AB 1934 adds Section 12037 to the Penal Code and that*
39 *section defines when a handgun is deemed unloaded, and (3) this*
40 *bill is enacted after AB 1934.*

1 SEC. 8.10. Section 6.10 of this bill adds Section 17510 to the
2 Penal Code, and incorporates into that section amendments to
3 Section 12590 of the Penal Code proposed by AB 1934. It shall
4 only become operative if (1) both bills are enacted and become
5 effective on or before January 1, 2011, (2) AB 1934 amends Section
6 12590 of the Penal Code, (3) this bill adds Section 17510 to the
7 Penal Code, and (4) this bill is enacted after AB 1934, in which
8 case Section 17510 as proposed to be added by Section 6 of this
9 bill shall not become operative.

10 SEC. 8.11. Section 6.11 of this bill adds Section 22295 to the
11 Penal Code, and incorporates into that section amendments to
12 Section 12002 of the Penal Code proposed by SB 1190. It shall
13 only become operative if (1) both bills are enacted and become
14 effective on or before January 1, 2011, (2) SB 1190 amends Section
15 12002 of the Penal Code, (3) this bill adds Section 22295 to the
16 Penal Code, and (4) this bill is enacted after SB 1190, in which
17 case Section 22295 as proposed to be added by Section 6 of this
18 bill shall not become operative.

19 SEC. 8.12. Section 6.12 of this bill adds Section 25400 to the
20 Penal Code, and incorporates into that section amendments to
21 Section 12025 of the Penal Code proposed by AB 1934. It shall
22 only become operative if (1) both bills are enacted and become
23 effective on or before January 1, 2011, (2) AB 1934 amends Section
24 12025 of the Penal Code, (3) this bill adds Section 25400 to the
25 Penal Code, and (4) this bill is enacted after AB 1934, in which
26 case Section 25400 as proposed to be added by Section 6 of this
27 bill shall not become operative.

28 SEC. 8.13. Section 6.13 of this bill adds Section 25590 to the
29 Penal Code, which would continue the substance of the new
30 paragraph (20) that would be added to subdivision (a) of Section
31 12026.2 of the Penal Code by AB 1934. It shall only become
32 operative if (1) both bills are enacted and become effective on or
33 before January 1, 2011, (2) AB 1934 adds a new paragraph (20)
34 to subdivision (a) of Section 12026.2 of the Penal Code, and (3)
35 this bill is enacted after AB 1934.

36 SEC. 8.14. Section 6.14 of this bill adds Section 25595 to the
37 Penal Code, and incorporates into that section amendments to
38 Section 12026.2 of the Penal Code proposed by AB 1934. It shall
39 only become operative if (1) both bills are enacted and become
40 effective on or before January 1, 2011, (2) AB 1934 amends Section

1 12026.2 of the Penal Code, (3) this bill adds Section 25595 to the
2 Penal Code, and (4) this bill is enacted after AB 1934, in which
3 case Section 25595 as proposed to be added by Section 6 of this
4 bill shall not become operative.

5 SEC. 8.15. Section 6.15 of this bill adds Section 25605 to the
6 Penal Code, and incorporates into that section amendments to
7 Section 12026 of the Penal Code proposed by AB 1934. It shall
8 only become operative if (1) both bills are enacted and become
9 effective on or before January 1, 2011, (2) AB 1934 amends Section
10 12026 of the Penal Code, (3) this bill adds Section 25605 to the
11 Penal Code, and (4) this bill is enacted after AB 1934, in which
12 case Section 25605 as proposed to be added by Section 6 of this
13 bill shall not become operative.

14 SEC. 8.16. Section 6.16 of this bill adds Chapter 6
15 (commencing with Section 26350) of Division 5 of Title 4 of Part
16 6 to the Penal Code, which would continue the substance of
17 subdivisions (a), (b), (c), (d), (e), (g), and (h) of Section 12037
18 proposed to be added to the Penal Code by AB 1934. It shall only
19 become operative if (1) both bills are enacted and become effective
20 on or before January 1, 2011, (2) AB 1934 adds Section 12037 to
21 the Penal Code, and (3) this bill is enacted after AB 1934.

22 SEC. 8.17. Section 6.17 of this bill adds Section 26600 to the
23 Penal Code, and incorporates into that section amendments to
24 paragraph (2) of subdivision (a) of Section 12078 of the Penal
25 Code proposed by AB 1810. It shall only become operative if (1)
26 both bills are enacted and become effective on or before January
27 1, 2011, (2) AB 1810 amends paragraph 2 of subdivision (a) of
28 Section 12078 of the Penal Code, (3) this bill adds Section 26600
29 to the Penal Code, and (4) this bill is enacted after AB 1810, in
30 which case Section 26600 as proposed to be added by Section 6
31 of this bill shall not become operative.

32 SEC. 8.18. Section 6.18 of this bill adds Section 26610 to the
33 Penal Code, and incorporates into that section amendments to
34 paragraph (4) of subdivision (a) of Section 12078 of the Penal
35 Code proposed by AB 1810. It shall only become operative if (1)
36 both bills are enacted and become effective on or before January
37 1, 2011, (2) AB 1810 amends paragraph (4) of subdivision (a) of
38 Section 12078 of the Penal Code, (3) this bill adds Section 26610
39 to the Penal Code, and (4) this bill is enacted after AB 1810, in

1 *which case Section 26610 as proposed to be added by Section 6*
2 *of this bill shall not become operative.*

3 *SEC. 8.19. Section 6.19 of this bill adds Section 26615 to the*
4 *Penal Code, and incorporates into that section amendments to*
5 *paragraph (5) of subdivision (a) of Section 12078 of the Penal*
6 *Code proposed by AB 1810. It shall only become operative if (1)*
7 *both bills are enacted and become effective on or before January*
8 *1, 2011, (2) AB 1810 amends paragraph (5) of subdivision (a) of*
9 *Section 12078 of the Penal Code, (3) this bill adds Section 26615*
10 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*
11 *which case Section 26615 as proposed to be added by Section 6*
12 *of this bill shall not become operative.*

13 *SEC. 8.20. Section 6.20 of this bill adds Section 26805 to the*
14 *Penal Code, and incorporates into that section amendments to*
15 *paragraph (1) of subdivision (b) of Section 12071 of the Penal*
16 *Code proposed by AB 1810. It shall only become operative if (1)*
17 *both bills are enacted and become effective on or before January*
18 *1, 2011, (2) AB 1810 amends paragraph (1) of subdivision (b) of*
19 *Section 12071 of the Penal Code, (3) this bill adds Section 26805*
20 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*
21 *which case Section 26805 as proposed to be added by Section 6*
22 *of this bill shall not become operative.*

23 *SEC. 8.21. Section 6.21 of this bill adds Section 26820 to the*
24 *Penal Code, and incorporates into that section amendments to*
25 *paragraph (4) of subdivision (b) of Section 12071 of the Penal*
26 *Code proposed by AB 1810. It shall only become operative if (1)*
27 *both bills are enacted and become effective on or before January*
28 *1, 2011, (2) AB 1810 amends paragraph (4) of subdivision (b) of*
29 *Section 12071 of the Penal Code, (3) this bill adds Section 26820*
30 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*
31 *which case Section 26820 as proposed to be added by Section 6*
32 *of this bill shall not become operative.*

33 *SEC. 8.22. Section 6.22 of this bill adds Section 26840 to the*
34 *Penal Code, and incorporates into that section amendments to*
35 *subparagraph (B) of paragraph (8) of subdivision (b) of Section*
36 *12071 of the Penal Code proposed by AB 1810. It shall only*
37 *become operative if (1) both bills are enacted and become effective*
38 *on or before January 1, 2011, (2) AB 1810 amends subparagraph*
39 *(B) of paragraph (8) of subdivision (b) of Section 12071 of the*
40 *Penal Code, (3) this bill adds Section 26840 to the Penal Code,*

1 and (4) this bill is enacted after AB 1810, in which case Section
2 26840 as proposed to be added by Section 6 of this bill shall not
3 become operative.

4 SEC. 8.23. Section 6.23 of this bill adds Section 26845 to the
5 Penal Code, and incorporates into that section amendments to
6 subparagraph (C) of paragraph (8) of subdivision (b) of Section
7 12071 of the Penal Code proposed by AB 1810. It shall only
8 become operative if (1) both bills are enacted and become effective
9 on or before January 1, 2011, (2) AB 1810 amends subparagraph
10 (C) of paragraph (8) of subdivision (b) of Section 12071 of the
11 Penal Code, (3) this bill adds Section 26845 to the Penal Code,
12 and (4) this bill is enacted after AB 1810, in which case Section
13 26845 as proposed to be added by Section 6 of this bill shall not
14 become operative.

15 SEC. 8.24. Section 6.24 of this bill adds Section 26850 to the
16 Penal Code, and incorporates into that section amendments to
17 subparagraph (D) of paragraph (8) of subdivision (b) of Section
18 12071 of the Penal Code proposed by AB 1810. It shall only
19 become operative if (1) both bills are enacted and become effective
20 on or before January 1, 2011, (2) AB 1810 amends subparagraph
21 (D) of paragraph (8) of subdivision (b) of Section 12071 of the
22 Penal Code, (3) this bill adds Section 26850 to the Penal Code,
23 and (4) this bill is enacted after AB 1810, in which case Section
24 26850 as proposed to be added by Section 6 of this bill shall not
25 become operative.

26 SEC. 8.25. Section 6.25 of this bill adds Section 26865 to the
27 Penal Code, and incorporates into that section amendments to
28 paragraph (9) of subdivision (b) of Section 12071 of the Penal
29 Code proposed by AB 1810. It shall only become operative if (1)
30 both bills are enacted and become effective on or before January
31 1, 2011, (2) AB 1810 amends paragraph (9) of subdivision (b) of
32 Section 12071 of the Penal Code, (3) this bill adds Section 26865
33 to the Penal Code, and (4) this bill is enacted after AB 1810, in
34 which case Section 26865 as proposed to be added by Section 6
35 of this bill shall not become operative.

36 SEC. 8.26. Section 6.26 of this bill adds Section 26890 to the
37 Penal Code, and incorporates into that section amendments to
38 subdivision (h) of Section 12071 of the Penal Code proposed by
39 AB 1810. It shall only become operative if (1) both bills are enacted
40 and become effective on or before January 1, 2011, (2) AB 1810

1 amends subdivision (h) of Section 12071 of the Penal Code, (3)
2 this bill adds Section 26890 to the Penal Code, and (4) this bill is
3 enacted after AB 1810, in which case Section 26890 as proposed
4 to be added by Section 6 of this bill shall not become operative.

5 SEC. 8.27. Section 6.27 of this bill adds Section 26905 to the
6 Penal Code, and incorporates into that section amendments to
7 paragraph (18) of subdivision (b) of Section 12071 of the Penal
8 Code proposed by AB 1810. It shall only become operative if (1)
9 both bills are enacted and become effective on or before January
10 1, 2011, (2) AB 1810 amends paragraph (18) of subdivision (b)
11 of Section 12071 of the Penal Code, (3) this bill adds Section 26905
12 to the Penal Code, and (4) this bill is enacted after AB 1810, in
13 which case Section 26905 as proposed to be added by Section 6
14 of this bill shall not become operative.

15 SEC. 8.28. Section 6.28 of this bill adds Section 26955 to the
16 Penal Code, and incorporates into that section amendments to
17 subdivision (g) of Section 12078 of the Penal Code proposed by
18 AB 1810. It shall only become operative if (1) both bills are enacted
19 and become effective on or before January 1, 2011, (2) AB 1810
20 amends subdivision (g) of Section 12078 of the Penal Code, (3)
21 this bill adds Section 26955 to the Penal Code, and (4) this bill is
22 enacted after AB 1810, in which case Section 26955 as proposed
23 to be added by Section 6 of this bill shall not become operative.

24 SEC. 8.29. Section 6.29 of this bill adds Section 26960 to the
25 Penal Code, and incorporates into that section amendments to
26 subdivision (n) of Section 12078 of the Penal Code proposed by
27 AB 1810. It shall only become operative if (1) both bills are enacted
28 and become effective on or before January 1, 2011, (2) AB 1810
29 amends subdivision (n) of Section 12078 of the Penal Code, (3)
30 this bill adds Section 26960 to the Penal Code, and (4) this bill is
31 enacted after AB 1810, in which case Section 26960 as proposed
32 to be added by Section 6 of this bill shall not become operative.

33 SEC. 8.30. Section 6.30 of this bill adds Section 26965 to the
34 Penal Code, and incorporates into that section amendments to
35 subdivision (r) of Section 12078 of the Penal Code proposed by
36 AB 1810. It shall only become operative if (1) both bills are enacted
37 and become effective on or before January 1, 2011, (2) AB 1810
38 amends subdivision (r) of Section 12078 of the Penal Code, (3)
39 this bill adds Section 26965 to the Penal Code, and (4) this bill is

1 *enacted after AB 1810, in which case Section 26965 as proposed*
2 *to be added by Section 6 of this bill shall not become operative.*

3 *SEC. 8.31. Section 6.31 of this bill adds Section 27050 to the*
4 *Penal Code, and incorporates into that section amendments to*
5 *paragraph (2) of subdivision (a) of Section 12078 of the Penal*
6 *Code proposed by AB 1810. It shall only become operative if (1)*
7 *both bills are enacted and become effective on or before January*
8 *1, 2011, (2) AB 1810 amends paragraph (2) of subdivision (a) of*
9 *Section 12078 of the Penal Code, (3) this bill adds Section 27050*
10 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*
11 *which case Section 27050 as proposed to be added by Section 6*
12 *of this bill shall not become operative.*

13 *SEC. 8.32. Section 6.32 of this bill adds Section 27060 to the*
14 *Penal Code, and incorporates into that section amendments to*
15 *paragraph (4) of subdivision (a) of Section 12078 of the Penal*
16 *Code proposed by AB 1810. It shall only become operative if (1)*
17 *both bills are enacted and become effective on or before January*
18 *1, 2011, (2) AB 1810 amends paragraph (4) of subdivision (a) of*
19 *Section 12078 of the Penal Code, (3) this bill adds Section 27060*
20 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*
21 *which case Section 27060 as proposed to be added by Section 6*
22 *of this bill shall not become operative.*

23 *SEC. 8.33. Section 6.33 of this bill adds Section 27065 to the*
24 *Penal Code, and incorporates into that section amendments to*
25 *paragraph (5) of subdivision (a) of Section 12078 of the Penal*
26 *Code proposed by AB 1810. It shall only become operative if (1)*
27 *both bills are enacted and become effective on or before January*
28 *1, 2011, (2) AB 1810 amends paragraph (5) of subdivision (a) of*
29 *Section 12078 of the Penal Code, (3) this bill adds Section 27065*
30 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*
31 *which case Section 27065 as proposed to be added by Section 6*
32 *of this bill shall not become operative.*

33 *SEC. 8.34. Section 6.34 of this bill adds Section 27110 to the*
34 *Penal Code, and incorporates into that section amendments to*
35 *paragraph (1) of subdivision (k) of Section 12078 of the Penal*
36 *Code proposed by AB 1810. It shall only become operative if (1)*
37 *both bills are enacted and become effective on or before January*
38 *1, 2011, (2) AB 1810 amends paragraph (1) of subdivision (k) of*
39 *Section 12078 of the Penal Code, (3) this bill adds Section 27110*
40 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*

1 which case Section 27110 as proposed to be added by Section 6
2 of this bill shall not become operative.

3 SEC. 8.35. Section 6.35 of this bill adds Section 27130 to the
4 Penal Code, and incorporates into that section amendments to
5 paragraph (5) of subdivision (k) of Section 12078 of the Penal
6 Code proposed by AB 1810. It shall only become operative if (1)
7 both bills are enacted and become effective on or before January
8 1, 2011, (2) AB 1810 amends paragraph (5) of subdivision (k) of
9 Section 12078 of the Penal Code, (3) this bill adds Section 27130
10 to the Penal Code, and (4) this bill is enacted after AB 1810, in
11 which case Section 27130 as proposed to be added by Section 6
12 of this bill shall not become operative.

13 SEC. 8.36. Section 6.36 of this bill adds Section 27400 to the
14 Penal Code, and incorporates into that section amendments to
15 paragraph (2) of subdivision (a) of Section 12078 of the Penal
16 Code proposed by AB 1810. It shall only become operative if (1)
17 both bills are enacted and become effective on or before January
18 1, 2011, (2) AB 1810 amends paragraph (2) of subdivision (a) of
19 Section 12078 of the Penal Code, (3) this bill adds Section 27400
20 to the Penal Code, and (4) this bill is enacted after AB 1810, in
21 which case Section 27400 as proposed to be added by Section 6
22 of this bill shall not become operative.

23 SEC. 8.37. Section 6.37 of this bill adds Section 27410 to the
24 Penal Code, and incorporates into that section amendments to
25 paragraph (4) of subdivision (a) of Section 12078 of the Penal
26 Code proposed by AB 1810. It shall only become operative if (1)
27 both bills are enacted and become effective on or before January
28 1, 2011, (2) AB 1810 amends paragraph (4) of subdivision (a) of
29 Section 12078 of the Penal Code, (3) this bill adds Section 27410
30 to the Penal Code, and (4) this bill is enacted after AB 1810, in
31 which case Section 27410 as proposed to be added by Section 6
32 of this bill shall not become operative.

33 SEC. 8.38. Section 6.38 of this bill adds Section 27415 to the
34 Penal Code, and incorporates into that section amendments to
35 paragraph (5) of subdivision (a) of Section 12078 of the Penal
36 Code proposed by AB 1810. It shall only become operative if (1)
37 both bills are enacted and become effective on or before January
38 1, 2011, (2) AB 1810 amends paragraph (5) of subdivision (a) of
39 Section 12078 of the Penal Code, (3) this bill adds Section 27415
40 to the Penal Code, and (4) this bill is enacted after AB 1810, in

1 *which case Section 27415 as proposed to be added by Section 6*
2 *of this bill shall not become operative.*

3 *SEC. 8.39. Section 6.39 of this bill adds Section 27540 to the*
4 *Penal Code, and incorporates into that section amendments to*
5 *subdivision (c) of Section 12072 of the Penal Code proposed by*
6 *AB 1810. It shall only become operative if (1) both bills are enacted*
7 *and become effective on or before January 1, 2011, (2) AB 1810*
8 *amends subdivision (c) of Section 12072 of the Penal Code, (3)*
9 *this bill adds Section 27540 to the Penal Code, and (4) this bill is*
10 *enacted after AB 1810, in which case Section 27540 as proposed*
11 *to be added by Section 6 of this bill shall not become operative.*

12 *SEC. 8.40. Section 6.40 of this bill adds Section 27560 to the*
13 *Penal Code, and incorporates into that section amendments to*
14 *paragraph (2) of subdivision (f) of Section 12072 of the Penal*
15 *Code proposed by AB 1810. It shall only become operative if (1)*
16 *both bills are enacted and become effective on or before January*
17 *1, 2011, (2) AB 1810 amends paragraph (2) of subdivision (f) of*
18 *Section 12072 of the Penal Code, (3) this bill adds Section 27560*
19 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*
20 *which case Section 27560 as proposed to be added by Section 6*
21 *of this bill shall not become operative.*

22 *SEC. 8.41. Section 6.41 of this bill adds Section 27565 to the*
23 *Penal Code, and incorporates into that section amendments to*
24 *paragraph (3) of subdivision (f) of Section 12072 of the Penal*
25 *Code proposed by AB 1810. It shall only become operative if (1)*
26 *both bills are enacted and become effective on or before January*
27 *1, 2011, (2) AB 1810 amends paragraph (3) of subdivision (f) of*
28 *Section 12072 of the Penal Code, (3) this bill adds Section 27565*
29 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*
30 *which case Section 27565 as proposed to be added by Section 6*
31 *of this bill shall not become operative.*

32 *SEC. 8.42. Section 6.42 of this bill adds Section 27590 to the*
33 *Penal Code, and incorporates into that section amendments to*
34 *subdivision (g) of Section 12072 of the Penal Code proposed by*
35 *AB 1810. It shall only become operative if (1) both bills are enacted*
36 *and become effective on or before January 1, 2011, (2) AB 1810*
37 *amends subdivision (g) of Section 12072 of the Penal Code, (3)*
38 *this bill adds Section 27590 to the Penal Code, and (4) this bill is*
39 *enacted after AB 1810, in which case Section 27590 as proposed*
40 *to be added by Section 6 of this bill shall not become operative.*

1 SEC. 8.43. Section 6.43 of this bill adds Section 27600 to the
2 Penal Code, and incorporates into that section amendments to
3 paragraph (2) of subdivision (a) of Section 12078 of the Penal
4 Code proposed by AB 1810. It shall only become operative if (1)
5 both bills are enacted and become effective on or before January
6 1, 2011, (2) AB 1810 amends paragraph (2) of subdivision (a) of
7 Section 12078 of the Penal Code, (3) this bill adds Section 27600
8 to the Penal Code, and (4) this bill is enacted after AB 1810, in
9 which case Section 27600 as proposed to be added by Section 6
10 of this bill shall not become operative.

11 SEC. 8.44. Section 6.44 of this bill adds Section 27610 to the
12 Penal Code, and incorporates into that section amendments to
13 paragraph (4) of subdivision (a) of Section 12078 of the Penal
14 Code proposed by AB 1810. It shall only become operative if (1)
15 both bills are enacted and become effective on or before January
16 1, 2011, (2) AB 1810 amends paragraph (4) of subdivision (a) of
17 Section 12078 of the Penal Code, (3) this bill adds Section 27610
18 to the Penal Code, and (4) this bill is enacted after AB 1810, in
19 which case Section 27610 as proposed to be added by Section 6
20 of this bill shall not become operative.

21 SEC. 8.45. Section 6.45 of this bill adds Section 27615 to the
22 Penal Code, and incorporates into that section amendments to
23 paragraph (5) of subdivision (a) of Section 12078 of the Penal
24 Code proposed by AB 1810. It shall only become operative if (1)
25 both bills are enacted and become effective on or before January
26 1, 2011, (2) AB 1810 amends paragraph (5) of subdivision (a) of
27 Section 12078 of the Penal Code, (3) this bill adds Section 27615
28 to the Penal Code, and (4) this bill is enacted after AB 1810, in
29 which case Section 27615 as proposed to be added by Section 6
30 of this bill shall not become operative.

31 SEC. 8.46. Section 6.46 of this bill adds Section 27655 to the
32 Penal Code, and incorporates into that section amendments to
33 subdivision (g) of Section 12078 of the Penal Code proposed by
34 AB 1810. It shall only become operative if (1) both bills are enacted
35 and become effective on or before January 1, 2011, (2) AB 1810
36 amends subdivision (g) of Section 12078 of the Penal Code, (3)
37 this bill adds Section 27655 to the Penal Code, and (4) this bill is
38 enacted after AB 1810, in which case Section 27655 as proposed
39 to be added by Section 6 of this bill shall not become operative.

1 SEC. 8.47. Section 6.47 of this bill adds Section 27660 to the
2 Penal Code, and incorporates into that section amendments to
3 subdivision (n) of Section 12078 of the Penal Code proposed by
4 AB 1810. It shall only become operative if (1) both bills are enacted
5 and become effective on or before January 1, 2011, (2) AB 1810
6 amends subdivision (n) of Section 12078 of the Penal Code, (3)
7 this bill adds Section 27660 to the Penal Code, and (4) this bill is
8 enacted after AB 1810, in which case Section 27660 as proposed
9 to be added by Section 6 of this bill shall not become operative.

10 SEC. 8.48. Section 6.48 of this bill adds Section 27665 to the
11 Penal Code, and incorporates into that section amendments to
12 subdivision (r) of Section 12078 of the Penal Code proposed by
13 AB 1810. It shall only become operative if (1) both bills are enacted
14 and become effective on or before January 1, 2011, (2) AB 1810
15 amends subdivision (r) of Section 12078 of the Penal Code, (3)
16 this bill adds Section 27665 to the Penal Code, and (4) this bill is
17 enacted after AB 1810, in which case Section 27665 as proposed
18 to be added by Section 6 of this bill shall not become operative.

19 SEC. 8.49. Section 6.49 of this bill adds Section 27710 to the
20 Penal Code, and incorporates into that section amendments to
21 paragraph (1) of subdivision (k) of Section 12078 of the Penal
22 Code proposed by AB 1810. It shall only become operative if (1)
23 both bills are enacted and become effective on or before January
24 1, 2011, (2) AB 1810 amends paragraph (1) of subdivision (k) of
25 Section 12078 of the Penal Code, (3) this bill adds Section 27710
26 to the Penal Code, and (4) this bill is enacted after AB 1810, in
27 which case Section 27710 as proposed to be added by Section 6
28 of this bill shall not become operative.

29 SEC. 8.50. Section 6.50 of this bill adds Section 27730 to the
30 Penal Code, and incorporates into that section amendments to
31 paragraph (5) of subdivision (k) of Section 12078 of the Penal
32 Code proposed by AB 1810. It shall only become operative if (1)
33 both bills are enacted and become effective on or before January
34 1, 2011, (2) AB 1810 amends paragraph (5) of subdivision (k) of
35 Section 12078 of the Penal Code, (3) this bill adds Section 27730
36 to the Penal Code, and (4) this bill is enacted after AB 1810, in
37 which case Section 27730 as proposed to be added by Section 6
38 of this bill shall not become operative.

39 SEC. 8.51. Section 6.51 of this bill adds Section 27860 to the
40 Penal Code, and incorporates into that section amendments to

paragraph (8) of subdivision (a) of Section 12078 of the Penal Code proposed by AB 1810. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) AB 1810 amends paragraph (8) of subdivision (a) of Section 12078 of the Penal Code, (3) this bill adds Section 27860 to the Penal Code, and (4) this bill is enacted after AB 1810, in which case Section 27860 as proposed to be added by Section 6 of this bill shall not become operative.

SEC. 8.52. Section 6.52 of this bill adds Section 27870 to the Penal Code, and incorporates into that section amendments to paragraph (1) of subdivision (c) of Section 12078 of the Penal Code proposed by AB 1810. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) AB 1810 amends paragraph (1) of subdivision (c) of Section 12078 of the Penal Code, (3) this bill adds Section 27870 to the Penal Code, and (4) this bill is enacted after AB 1810, in which case Section 27870 as proposed to be added by Section 6 of this bill shall not become operative.

SEC. 8.53. Section 6.53 of this bill adds Section 27875 to the Penal Code, and incorporates into that section amendments to paragraph (2) of subdivision (c) of Section 12078 of the Penal Code proposed by AB 1810. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) AB 1810 amends paragraph (2) of subdivision (c) of Section 12078 of the Penal Code, (3) this bill adds Section 27875 to the Penal Code, and (4) this bill is enacted after AB 1810, in which case Section 27875 as proposed to be added by Section 6 of this bill shall not become operative.

SEC. 8.54. Section 6.54 of this bill adds Section 27880 to the Penal Code, and incorporates into that section amendments to subdivision (d) of Section 12078 of the Penal Code proposed by AB 1810. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) AB 1810 amends subdivision (d) of Section 12078 of the Penal Code, (3) this bill adds Section 27880 to the Penal Code, and (4) this bill is enacted after AB 1810, in which case Section 27880 as proposed to be added by Section 6 of this bill shall not become operative.

SEC. 8.55. Section 6.55 of this bill adds Section 27915 to the Penal Code, and incorporates into that section amendments to paragraph (1) of subdivision (i) of Section 12078 of the Penal

1 *Code proposed by AB 1810. It shall only become operative if (1)*
2 *both bills are enacted and become effective on or before January*
3 *1, 2011, (2) AB 1810 amends paragraph (1) of subdivision (i) of*
4 *Section 12078 of the Penal Code, (3) this bill adds Section 27915*
5 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*
6 *which case Section 27915 as proposed to be added by Section 6*
7 *of this bill shall not become operative.*

8 *SEC. 8.56. Section 6.56 of this bill adds Section 27920 to the*
9 *Penal Code, and incorporates into that section amendments to*
10 *paragraph (2) of subdivision (i) of Section 12078 of the Penal*
11 *Code proposed by AB 1810. It shall only become operative if (1)*
12 *both bills are enacted and become effective on or before January*
13 *1, 2011, (2) AB 1810 amends paragraph (2) of subdivision (i) of*
14 *Section 12078 of the Penal Code, (3) this bill adds Section 27920*
15 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*
16 *which case Section 27920 as proposed to be added by Section 6*
17 *of this bill shall not become operative.*

18 *SEC. 8.57. Section 6.57 of this bill adds Section 28000 to the*
19 *Penal Code, and incorporates into that section amendments to*
20 *subdivision (l) of Section 12078 of the Penal Code proposed by*
21 *AB 1810. It shall only become operative if (1) both bills are enacted*
22 *and become effective on or before January 1, 2011, (2) AB 1810*
23 *amends subdivision (l) of Section 12078 of the Penal Code, (3)*
24 *this bill adds Section 28000 to the Penal Code, and (4) this bill is*
25 *enacted after AB 1810, in which case Section 28000 as proposed*
26 *to be added by Section 6 of this bill shall not become operative.*

27 *SEC. 8.58. Section 6.58 of this bill adds Section 28060 to the*
28 *Penal Code, and incorporates into that section amendments to*
29 *subdivision (b) of Section 12082 of the Penal Code proposed by*
30 *AB 1810. It shall only become operative if (1) both bills are enacted*
31 *and become effective on or before January 1, 2011, (2) AB 1810*
32 *amends subdivision (b) of Section 12082 of the Penal Code, (3)*
33 *this bill adds Section 28060 to the Penal Code, and (4) this bill is*
34 *enacted after AB 1810, in which case Section 28060 as proposed*
35 *to be added by Section 6 of this bill shall not become operative.*

36 *SEC. 8.59. Section 6.59 of this bill adds Section 28100 to the*
37 *Penal Code, and incorporates into that section amendments to*
38 *Section 12073 of the Penal Code proposed by AB 1810. It shall*
39 *only become operative if (1) both bills are enacted and become*
40 *effective on or before January 1, 2011, (2) AB 1810 amends Section*

1 12073 of the Penal Code, (3) this bill adds Section 28100 to the
2 Penal Code, and (4) this bill is enacted after AB 1810, in which
3 case Section 28100 as proposed to be added by Section 6 of this
4 bill shall not become operative.

5 SEC. 8.60. Section 6.60 of this bill adds Section 28160 to the
6 Penal Code, and incorporates into that section amendments to
7 subdivision (b) of Section 12077 of the Penal Code proposed by
8 AB 1810. It shall only become operative if (1) both bills are enacted
9 and become effective on or before January 1, 2011, (2) AB 1810
10 amends subdivision (b) of Section 12077 of the Penal Code, (3)
11 this bill adds Section 28160 to the Penal Code, and (4) this bill is
12 enacted after AB 1810, in which case Section 28160 as proposed
13 to be added by Section 6 of this bill shall not become operative.

14 SEC. 8.61. Section 6.61 of this bill adds Section 28165 to the
15 Penal Code, and incorporates into that section amendments to
16 subdivision (c) of Section 12077 of the Penal Code proposed by
17 AB 1810. It shall only become operative if (1) both bills are enacted
18 and become effective on or before January 1, 2011, (2) AB 1810
19 amends subdivision (c) of Section 12077 of the Penal Code, (3)
20 this bill adds Section 28165 to the Penal Code, and (4) this bill is
21 enacted after AB 1810, in which case Section 28165 as proposed
22 to be added by Section 6 of this bill shall not become operative.

23 SEC. 8.62. Section 6.62 of this bill adds Section 28170 to the
24 Penal Code, and incorporates into that section amendments to
25 subdivision (d) of Section 12077 of the Penal Code proposed by
26 AB 1810. It shall only become operative if (1) both bills are enacted
27 and become effective on or before January 1, 2011, (2) AB 1810
28 amends subdivision (d) of Section 12077 of the Penal Code, (3)
29 this bill adds Section 28170 to the Penal Code, and (4) this bill is
30 enacted after AB 1810, in which case Section 28170 as proposed
31 to be added by Section 6 of this bill shall not become operative.

32 SEC. 8.63. Section 6.63 of this bill adds Section 28180 to the
33 Penal Code, and incorporates into that section amendments to
34 subdivision (f) of Section 12077 of the Penal Code proposed by
35 AB 1810. It shall only become operative if (1) both AB 1810 and
36 this bill are enacted and become effective on or before January 1,
37 2011, (2) AB 1810 amends subdivision (f) of Section 12077 of the
38 Penal Code, (3) this bill adds Section 28180 to the Penal Code,
39 (4) SB 282 or AB 2358 is not enacted, and (5) this bill is enacted
40 after AB 1810, in which case Section 28180 as proposed to be

1 *added by Sections 6, 6.64, and 6.65 of this bill shall not become*
2 *operative.*

3 *SEC. 8.64. Section 6.64 of this bill adds Section 28180 to the*
4 *Penal Code, and incorporates into that section amendments to*
5 *subdivision (f) of Section 12077 of the Penal Code proposed by*
6 *SB 282, which is contingent on enactment of AB 2358. It shall only*
7 *become operative if (1) SB 282, AB 2358, and this bill are enacted*
8 *and become effective on or before January 1, 2011, (2) SB 282*
9 *amends subdivision (f) of Section 12077 of the Penal Code, (3)*
10 *this bill adds Section 28180 to the Penal Code, (4) AB 1810 is not*
11 *enacted, and (5) this bill is enacted after SB 282, in which case*
12 *Section 28180 as proposed to be added by Sections 6, 6.63, and*
13 *6.65 of this bill shall not become operative.*

14 *SEC. 8.65. Section 6.65 of this bill adds Section 28180 to the*
15 *Penal Code, and incorporates into that section amendments to*
16 *subdivision (f) of Section 12077 of the Penal Code proposed by*
17 *AB 1810 and SB 282, which is contingent on enactment of AB*
18 *2358. It shall only become operative if (1) AB 1810, SB 282, AB*
19 *2358, and this bill are all enacted and become effective on or*
20 *before January 1, 2011, (2) AB 1810 and SB 282 amend*
21 *subdivision (f) of Section 12077 of the Penal Code, (3) this bill*
22 *adds Section 28180 to the Penal Code, and (4) this bill is enacted*
23 *after AB 1810 and SB 282, in which case Section 28180 as*
24 *proposed to be added by Sections 6, 6.63, and 6.64 of this bill shall*
25 *not become operative.*

26 *SEC. 8.66. Section 6.66 of this bill adds Section 28185 to the*
27 *Penal Code, which would continue the substance of subdivision*
28 *(g) Section 12077 of the Penal Code as proposed by SB 282, which*
29 *is contingent on enactment of AB 2358. It shall only become*
30 *operative if (1) AB 2358, SB 282, and this bill are enacted and*
31 *become effective on or before January 1, 2011, (2) SB 282 amends*
32 *subdivision (g) of Section 12077 of the Penal Code, and (3) this*
33 *bill is enacted after SB 282.*

34 *SEC. 8.67. Section 6.67 of this bill adds Section 28190 to the*
35 *Penal Code, which would continue the substance of subdivision*
36 *(h) proposed to be added to Section 12077 of the Penal Code by*
37 *SB 282, which is contingent on enactment of AB 2358. It shall only*
38 *become operative if (1) AB 2358, SB 282, and this bill are enacted*
39 *and become effective on or before January 1, 2011, (2) SB 282*

1 adds subdivision (h) to Section 12077 of the Penal Code, and (3)
2 this bill is enacted after SB 282.

3 SEC. 8.68. Section 6.68 of this bill adds Section 28210 to the
4 Penal Code, and incorporates into that section amendments to
5 subdivision (b) of Section 12076 of the Penal Code proposed by
6 AB 1810. It shall only become operative if (1) both bills are enacted
7 and become effective on or before January 1, 2011, (2) AB 1810
8 amends subdivision (b) of Section 12076 of the Penal Code, (3)
9 this bill adds Section 28210 to the Penal Code, and (4) this bill is
10 enacted after AB 1810, in which case Section 28210 as proposed
11 to be added by Section 6 of this bill shall not become operative.

12 SEC. 8.69. Section 6.69 of this bill adds Section 28215 to the
13 Penal Code, and incorporates into that section amendments to
14 subdivision (c) of Section 12076 of the Penal Code proposed by
15 AB 1810. It shall only become operative if (1) both bills are enacted
16 and become effective on or before January 1, 2011, (2) AB 1810
17 amends subdivision (c) of Section 12076 of the Penal Code, (3)
18 this bill adds Section 28215 to the Penal Code, and (4) this bill is
19 enacted after AB 1810, in which case Section 28215 as proposed
20 to be added by Section 6 of this bill shall not become operative.

21 SEC. 8.70. Section 6.70 of this bill adds Section 28220 to the
22 Penal Code, and incorporates into that section amendments to
23 subdivision (d) of Section 12076 of the Penal Code proposed by
24 AB 1810. It shall only become operative if (1) both bills are enacted
25 and become effective on or before January 1, 2011, (2) AB 1810
26 amends subdivision (d) of Section 12076 of the Penal Code, (3)
27 this bill adds Section 28220 to the Penal Code, and (4) this bill is
28 enacted after AB 1810, in which case Section 28220 as proposed
29 to be added by Section 6 of this bill shall not become operative.

30 SEC. 8.71. Section 6.71 of this bill adds Section 28240 to the
31 Penal Code, and incorporates into that section amendments to
32 subdivision (i) of Section 12076 of the Penal Code proposed by
33 AB 1810. It shall only become operative if (1) both bills are enacted
34 and become effective on or before January 1, 2011, (2) AB 1810
35 amends subdivision (i) of Section 12076 of the Penal Code, (3)
36 this bill adds Section 28240 to the Penal Code, and (4) this bill is
37 enacted after AB 1810, in which case Section 28240 as proposed
38 to be added by Section 6 of this bill shall not become operative.

39 SEC. 8.72. Section 6.72 of this bill adds Section 28245 to the
40 Penal Code, and incorporates into that section amendments to

1 subdivision (k) of Section 12076 of the Penal Code proposed by
2 AB 1810. It shall only become operative if (1) both bills are enacted
3 and become effective on or before January 1, 2011, (2) AB 1810
4 amends subdivision (k) of Section 12076 of the Penal Code, (3)
5 this bill adds Section 28245 to the Penal Code, and (4) this bill is
6 enacted after AB 1810, in which case Section 28245 as proposed
7 to be added by Section 6 of this bill shall not become operative.

8 SEC. 8.73. Section 6.73 of this bill adds Section 28400 to the
9 Penal Code, and incorporates into that section amendments to
10 paragraph (2) of subdivision (a) of Section 12078 of the Penal
11 Code proposed by AB 1810. It shall only become operative if (1)
12 both bills are enacted and become effective on or before January
13 1, 2011, (2) AB 1810 amends paragraph (2) of subdivision (a) of
14 Section 12078 of the Penal Code, (3) this bill adds Section 28400
15 to the Penal Code, and (4) this bill is enacted after AB 1810, in
16 which case Section 28400 as proposed to be added by Section 6
17 of this bill shall not become operative.

18 SEC. 8.74. Section 6.74 of this bill adds Section 28410 to the
19 Penal Code, and incorporates into that section amendments to
20 paragraph (4) of subdivision (a) of Section 12078 of the Penal
21 Code proposed by AB 1810. It shall only become operative if (1)
22 both bills are enacted and become effective on or before January
23 1, 2011, (2) AB 1810 amends paragraph (4) of subdivision (a) of
24 Section 12078 of the Penal Code, (3) this bill adds Section 28410
25 to the Penal Code, and (4) this bill is enacted after AB 1810, in
26 which case Section 28410 as proposed to be added by Section 6
27 of this bill shall not become operative.

28 SEC. 8.75. Section 6.75 of this bill adds Section 28415 to the
29 Penal Code, and incorporates into that section amendments to
30 paragraph (5) of subdivision (a) of Section 12078 of the Penal
31 Code proposed by AB 1810. It shall only become operative if (1)
32 both bills are enacted and become effective on or before January
33 1, 2011, (2) AB 1810 amends paragraph (5) of subdivision (a) of
34 Section 12078 of the Penal Code, (3) this bill adds Section 28415
35 to the Penal Code, and (4) this bill is enacted after AB 1810, in
36 which case Section 28415 as proposed to be added by Section 6
37 of this bill shall not become operative.

38 SEC. 8.76. Section 6.76 of this bill adds Section 29805 to the
39 Penal Code, and incorporates into that section amendments to
40 Section 12021 of the Penal Code proposed by AB 2668. It shall

1 only become operative if (1) both bills are enacted and become
2 effective on or before January 1, 2011, (2) AB 2668 amends Section
3 12021 of the Penal Code, (3) this bill adds Section 29805 to the
4 Penal Code, and (4) this bill is enacted after AB 2668, in which
5 case Section 29805 as proposed to be added by Section 6 of this
6 bill shall not become operative.

7 SEC. 8.77. Section 6.77 of this bill adds Section 29825 to the
8 Penal Code, and incorporates into that section amendments to
9 Section 12021 of the Penal Code proposed by SB 1062. It shall
10 only become operative if (1) both bills are enacted and become
11 effective on or before January 1, 2011, (2) SB 1062 would amend
12 Section 12021 of the Penal Code but for Section 28 of that bill,
13 (3) this bill adds Section 29825 to the Penal Code, and (4) this
14 bill is enacted after SB 1062, in which case Section 29825 as
15 proposed to be added by Section 6 of this bill shall not become
16 operative.

17 SEC. 8.78. Section 6.78 of this bill adds Section 30105 to the
18 Penal Code, and incorporates into that section amendments to
19 Section 12077.5 of the Penal Code proposed by AB 1810. It shall
20 only become operative if (1) both bills are enacted and become
21 effective on or before January 1, 2011, (2) AB 1810 amends Section
22 12077.5 of the Penal Code, (3) this bill adds Section 30105 to the
23 Penal Code, and (4) this bill is enacted after AB 1810, in which
24 case Section 30105 as proposed to be added by Section 6 of this
25 bill shall not become operative.

26 SEC. 8.79. Section 6.79 of this bill adds Section 30150 to the
27 Penal Code, and incorporates into that section amendments to
28 paragraph (2) of subdivision (a) of Section 12078 of the Penal
29 Code proposed by AB 1810. It shall only become operative if (1)
30 both bills are enacted and become effective on or before January
31 1, 2011, (2) AB 1810 amends paragraph (2) of subdivision (a) of
32 Section 12078 of the Penal Code, (3) this bill adds Section 30150
33 to the Penal Code, and (4) this bill is enacted after AB 1810, in
34 which case Section 30150 as proposed to be added by Section 6
35 of this bill shall not become operative.

36 SEC. 8.80. Section 6.80 of this bill adds Section 30160 to the
37 Penal Code, and incorporates into that section amendments to
38 paragraph (4) of subdivision (a) of Section 12078 of the Penal
39 Code proposed by AB 1810. It shall only become operative if (1)
40 both bills are enacted and become effective on or before January

1 1, 2011, (2) AB 1810 amends paragraph (4) of subdivision (a) of
2 Section 12078 of the Penal Code, (3) this bill adds Section 30160
3 to the Penal Code, and (4) this bill is enacted after AB 1810, in
4 which case Section 30160 as proposed to be added by Section 6
5 of this bill shall not become operative.

6 SEC. 8.81. Section 6.81 of this bill adds Section 30165 to the
7 Penal Code, and incorporates into that section amendments to
8 paragraph (5) of subdivision (a) of Section 12078 of the Penal
9 Code proposed by AB 1810. It shall only become operative if (1)
10 both bills are enacted and become effective on or before January
11 1, 2011, (2) AB 1810 amends paragraph (5) of subdivision (a) of
12 Section 12078 of the Penal Code, (3) this bill adds Section 30165
13 to the Penal Code, and (4) this bill is enacted after AB 1810, in
14 which case Section 30165 as proposed to be added by Section 6
15 of this bill shall not become operative.

16 SEC. 8.82. Section 6.82 of this bill adds Section 30312 to the
17 Penal Code, and incorporates into that section amendments to
18 subdivisions (a) and (c) of Section 12318 of the Penal Code
19 proposed by AB 2358. It shall only become operative if (1) both
20 bills are enacted and become effective on or before January 1,
21 2011, (2) AB 2358 amends subdivisions (a) and (c) of Section
22 12318 of the Penal Code, (3) this bill adds Section 30312 to the
23 Penal Code, and (4) this bill is enacted after AB 2358, in which
24 case Section 30312 as proposed to be added by Section 6 of this
25 bill shall not become operative.

26 SEC. 8.83. Section 6.83 of this bill adds Section 30346 to the
27 Penal Code, which would continue the substance of paragraph
28 (8) proposed to be added to subdivision (a) of Section 12061 of
29 the Penal Code by AB 2358. It shall only become operative if (1)
30 both bills are enacted and become effective on or before January
31 1, 2011, (2) AB 2358 adds paragraph (8) to subdivision (a) of
32 Section 12061 of the Penal Code, and (3) this bill is enacted after
33 AB 2358.

34 SEC. 8.84. Section 6.84 of this bill adds Section 30352 to the
35 Penal Code, and incorporates into that section amendments to
36 paragraph (3) of subdivision (a) of Section 12061 of the Penal
37 Code proposed by AB 2358. It shall only become operative if (1)
38 both bills are enacted and become effective on or before January
39 1, 2011, (2) AB 2358 amends paragraph (3) of subdivision (a) of
40 Section 12061 of the Penal Code, (3) this bill adds Section 30352

1 to the Penal Code, and (4) this bill is enacted after AB 2358, in
2 which case Section 30352 as proposed to be added by Section 6
3 of this bill shall not become operative.

4 SEC. 8.85. Section 6.85 of this bill adds Section 30355 to the
5 Penal Code, and incorporates into that section a sentence proposed
6 to be added to paragraph (4) of subdivision (a) of Section 12061
7 of the Penal Code by AB 2358. It shall only become operative if
8 (1) both bills are enacted and become effective on or before
9 January 1, 2011, (2) AB 2358 amends paragraph (4) of subdivision
10 (a) of Section 12061 of the Penal Code to include a sentence on
11 records that are no longer required to be maintained, (3) this bill
12 adds Section 30355 to the Penal Code, (4) SB 282 is not enacted,
13 and (5) this bill is enacted after AB 2358, in which case Section
14 30355 as proposed to be added by Sections 6 and 6.86 of this bill
15 shall not become operative.

16 SEC. 8.86. Section 6.86 of this bill adds Section 30355 to the
17 Penal Code, and incorporates into that section amendments to
18 paragraph (4) of subdivision (a) of Section 12061 of the Penal
19 Code proposed by AB 2358, as well as the substance of
20 subdivisions (b) and (c) of Section 12062 of the Penal Code,
21 proposed to be added by SB 282, which is contingent on enactment
22 of AB 2358. It shall only become operative if (1) AB 2358, SB 282,
23 and this bill are all enacted and become effective on or before
24 January 1, 2011, (2) AB 2358 amends paragraph (4) of subdivision
25 (a) of Section 12061 of the Penal Code to include a sentence on
26 records that are no longer required to be maintained, (3) SB 282
27 adds Section 12062 to the Penal Code, (3) this bill adds Section
28 30355 to the Penal Code, and (4) this bill is enacted after AB 2358
29 and SB 282, in which case Section 30355 as proposed to be added
30 by Sections 6 and 6.85 of this bill shall not become operative.

31 SEC. 8.87. Section 6.87 of this bill adds Section 30357 to the
32 Penal Code, and incorporates into that section amendments to
33 paragraph (5) of subdivision (a) of Section 12061 of the Penal
34 Code proposed by AB 2358. It shall only become operative if (1)
35 both bills are enacted and become effective on or before January
36 1, 2011, (2) AB 2358 amends paragraph (5) of subdivision (a) of
37 Section 12061 of the Penal Code, (3) this bill adds Section 30357
38 to the Penal Code, and (4) this bill is enacted after AB 2358, in
39 which case Section 30357 as proposed to be added by Section 6
40 of this bill shall not become operative.

1 *SEC. 8.88. Section 6.88 of this bill adds Section 30358 to the*
2 *Penal Code, which would continue the substance of a sentence*
3 *proposed to be added to paragraph (4) of subdivision (a) of Section*
4 *12061 of the Penal Code by AB 2358. It shall only become*
5 *operative if (1) both bills are enacted and become effective on or*
6 *before January 1, 2011, (2) AB 2358 amends paragraph (4) of*
7 *subdivision (a) of Section 12061 of the Penal Code to include a*
8 *sentence on providing information to a third party, (3) SB 282 is*
9 *not enacted, and (4) this bill is enacted after AB 2358, in which*
10 *case Section 30358 as proposed to be added by Section 6.89 of*
11 *this bill shall not become operative.*

12 *SEC. 8.89. Section 6.89 of this bill adds Section 30358 to the*
13 *Penal Code, which would continue the substance of a sentence*
14 *proposed to be added to paragraph (4) of subdivisions (a) of*
15 *Section 12061 of the Penal Code by AB 2358, as well as the*
16 *substance of subdivisions (a) and (c) of Section 12062 of the Penal*
17 *Code, proposed to be added by SB 282, which is contingent on*
18 *enactment of AB 2358. It shall only become operative if (1) AB*
19 *2358, SB 282, and this bill are all enacted and become effective*
20 *on or before January 1, 2011, (2) AB 2358 amends paragraph (4)*
21 *of subdivision (a) of Section 12061 of the Penal Code to include*
22 *a sentence on providing information to a third party, (3) SB 282*
23 *adds Section 12062 to the Penal Code, (3) this bill adds Section*
24 *30358 to the Penal Code, and (4) this bill is enacted after AB 2358*
25 *and SB 282, in which case Section 30358 as proposed to be added*
26 *by Section 6.88 of this bill shall not become operative.*

27 *SEC. 8.895. Section 6.895 of this bill adds Section 30365 to*
28 *the Penal Code, and incorporates into that section changes*
29 *required by the addition of Section 30358 to the Penal Code as*
30 *proposed in Section 6.88 and in Section 6.89. It shall only become*
31 *operative if either Section 6.88 or Section 6.89 of this bill becomes*
32 *operative, in which case Section 30365 as proposed to be added*
33 *by Section 6 of this bill shall not become operative.*

34 *SEC. 8.90. Section 6.90 of this bill adds Section 31705 to the*
35 *Penal Code, and incorporates into that section amendments to*
36 *paragraph (2) of subdivision (a) of Section 12078 of the Penal*
37 *Code proposed by AB 1810. It shall only become operative if (1)*
38 *both bills are enacted and become effective on or before January*
39 *1, 2011, (2) AB 1810 amends paragraph (2) of subdivision (a) of*
40 *Section 12078 of the Penal Code, (3) this bill adds Section 31705*

1 to the Penal Code, and (4) this bill is enacted after AB 1810, in
2 which case Section 31705 as proposed to be added by Section 6
3 of this bill shall not become operative.

4 SEC. 8.91. Section 6.91 of this bill adds Section 31715 to the
5 Penal Code, and incorporates into that section amendments to
6 paragraph (4) of subdivision (a) of Section 12078 of the Penal
7 Code proposed by AB 1810. It shall only become operative if (1)
8 both bills are enacted and become effective on or before January
9 1, 2011, (2) AB 1810 amends paragraph (4) of subdivision (a) of
10 Section 12078 of the Penal Code, (3) this bill adds Section 31715
11 to the Penal Code, and (4) this bill is enacted after AB 1810, in
12 which case Section 31715 as proposed to be added by Section 6
13 of this bill shall not become operative.

14 SEC. 8.92. Section 6.92 of this bill adds Section 31720 to the
15 Penal Code, and incorporates into that section amendments to
16 paragraph (5) of subdivision (a) of Section 12078 of the Penal
17 Code proposed by AB 1810. It shall only become operative if (1)
18 both bills are enacted and become effective on or before January
19 1, 2011, (2) AB 1810 amends paragraph (5) of subdivision (a) of
20 Section 12078 of the Penal Code, (3) this bill adds Section 31720
21 to the Penal Code, and (4) this bill is enacted after AB 1810, in
22 which case Section 31720 as proposed to be added by Section 6
23 of this bill shall not become operative.

24 SEC. 8.93. Section 6.93 of this bill adds Section 31735 to the
25 Penal Code, and incorporates into that section amendments to
26 paragraph (8) of subdivision (a) of Section 12078 of the Penal
27 Code proposed by AB 1810. It shall only become operative if (1)
28 both bills are enacted and become effective on or before January
29 1, 2011, (2) AB 1810 amends paragraph (8) of subdivision (a) of
30 Section 12078 of the Penal Code, (3) this bill adds Section 31735
31 to the Penal Code, and (4) this bill is enacted after AB 1810, in
32 which case Section 31735 as proposed to be added by Section 6
33 of this bill shall not become operative.

34 SEC. 8.94. Section 6.94 of this bill adds Section 31775 to the
35 Penal Code, and incorporates into that section amendments to
36 paragraph (1) of subdivision (k) of Section 12078 of the Penal
37 Code proposed by AB 1810. It shall only become operative if (1)
38 both bills are enacted and become effective on or before January
39 1, 2011, (2) AB 1810 amends paragraph (1) of subdivision (k) of
40 Section 12078 of the Penal Code, (3) this bill adds Section 31775

1 to the Penal Code, and (4) this bill is enacted after AB 1810, in
2 which case Section 31775 as proposed to be added by Section 6
3 of this bill shall not become operative.

4 SEC. 8.95. Section 6.95 of this bill adds Section 31795 to the
5 Penal Code, and incorporates into that section amendments to
6 paragraph (5) of subdivision (k) of Section 12078 of the Penal
7 Code proposed by AB 1810. It shall only become operative if (1)
8 both bills are enacted and become effective on or before January
9 1, 2011, (2) AB 1810 amends paragraph (5) of subdivision (k) of
10 Section 12078 of the Penal Code, (3) this bill adds Section 31795
11 to the Penal Code, and (4) this bill is enacted after AB 1810, in
12 which case Section 31795 as proposed to be added by Section 6
13 of this bill shall not become operative.

14 SEC. 8.96. Section 6.96 of this bill adds Section 33850 to the
15 Penal Code, and incorporates into that section amendments to
16 paragraph (1) of subdivision (a) of Section 12021.3 of the Penal
17 Code proposed by AB 1810. It shall only become operative if (1)
18 both bills are enacted and become effective on or before January
19 1, 2011, (2) AB 1810 amends paragraph (1) of subdivision (a) of
20 Section 12021.3 of the Penal Code, (3) this bill adds Section 33850
21 to the Penal Code, and (4) this bill is enacted after AB 1810, in
22 which case Section 33850 as proposed to be added by Section 6
23 of this bill shall not become operative.

24 SEC. 8.97. Section 6.97 of this bill adds Section 33860 to the
25 Penal Code, and incorporates into that section amendments to
26 subdivision (c) of Section 12021.3 of the Penal Code proposed by
27 AB 1810. It shall only become operative if (1) both bills are enacted
28 and become effective on or before January 1, 2011, (2) AB 1810
29 amends subdivision (c) of Section 12021.3 of the Penal Code, (3)
30 this bill adds Section 33860 to the Penal Code, and (4) this bill is
31 enacted after AB 1810, in which case Section 33860 as proposed
32 to be added by Section 6 of this bill shall not become operative.

33 SEC. 8.98. Section 6.98 of this bill adds Section 33865 to the
34 Penal Code, and incorporates into that section amendments to
35 subdivision (e) of Section 12021.3 of the Penal Code proposed by
36 AB 1810. It shall only become operative if (1) both bills are enacted
37 and become effective on or before January 1, 2011, (2) AB 1810
38 amends subdivision (e) of Section 12021.3 of the Penal Code, (3)
39 this bill adds Section 33865 to the Penal Code, and (4) this bill is

1 *enacted after AB 1810, in which case Section 33865 as proposed*
2 *to be added by Section 6 of this bill shall not become operative.*

3 *SEC. 8.99. Section 6.99 of this bill adds Section 33880 to the*
4 *Penal Code, and incorporates into that section amendments to*
5 *subdivision (j) of Section 12021.3 of the Penal Code proposed by*
6 *AB 1810. It shall only become operative if (1) both bills are enacted*
7 *and become effective on or before January 1, 2011, (2) AB 1810*
8 *amends subdivision (j) of Section 12021.3 of the Penal Code, (3)*
9 *this bill adds Section 33880 to the Penal Code, and (4) this bill is*
10 *enacted after AB 1810, in which case Section 33880 as proposed*
11 *to be added by Section 6 of this bill shall not become operative.*

12 *SEC. 8.100. Section 6.100 of this bill adds Section 33890 to*
13 *the Penal Code, and incorporates into that section amendments*
14 *to subdivision (h) of Section 12021.3 of the Penal Code proposed*
15 *by AB 1810. It shall only become operative if (1) both bills are*
16 *enacted and become effective on or before January 1, 2011, (2)*
17 *AB 1810 amends subdivision (h) of Section 12021.3 of the Penal*
18 *Code, (3) this bill adds Section 33890 to the Penal Code, and (4)*
19 *this bill is enacted after AB 1810, in which case Section 33890 as*
20 *proposed to be added by Section 6 of this bill shall not become*
21 *operative.*

22 *SEC. 8.101. Section 6.101 of this bill adds Section 34355 to*
23 *the Penal Code, and incorporates into that section amendments*
24 *to paragraph (2) of subdivision (a) of Section 12078 of the Penal*
25 *Code proposed by AB 1810. It shall only become operative if (1)*
26 *both bills are enacted and become effective on or before January*
27 *1, 2011, (2) AB 1810 amends paragraph (2) of subdivision (a) of*
28 *Section 12078 of the Penal Code, (3) this bill adds Section 34355*
29 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*
30 *which case Section 34355 as proposed to be added by Section 6*
31 *of this bill shall not become operative.*

32 *SEC. 8.102. Section 6.102 of this bill adds Section 34365 to*
33 *the Penal Code, and incorporates into that section amendments*
34 *to paragraph (4) of subdivision (a) of Section 12078 of the Penal*
35 *Code proposed by AB 1810. It shall only become operative if (1)*
36 *both bills are enacted and become effective on or before January*
37 *1, 2011, (2) AB 1810 amends paragraph (4) of subdivision (a) of*
38 *Section 12078 of the Penal Code, (3) this bill adds Section 34365*
39 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*

1 *which case Section 34365 as proposed to be added by Section 6*
2 *of this bill shall not become operative.*

3 *SEC. 8.103. Section 6.103 of this bill adds Section 34370 to*
4 *the Penal Code, and incorporates into that section amendments*
5 *to paragraph (5) of subdivision (a) of Section 12078 of the Penal*
6 *Code proposed by AB 1810. It shall only become operative if (1)*
7 *both bills are enacted and become effective on or before January*
8 *1, 2011, (2) AB 1810 amends paragraph (5) of subdivision (a) of*
9 *Section 12078 of the Penal Code, (3) this bill adds Section 34370*
10 *to the Penal Code, and (4) this bill is enacted after AB 1810, in*
11 *which case Section 34370 as proposed to be added by Section 6*
12 *of this bill shall not become operative.*

13 *SEC. 9. Notwithstanding Section 28 of SB 1062 of the 2009-10*
14 *Regular Session, amendments proposed to Section 12021 of the*
15 *Penal Code by Section 18 of that bill shall be operative from the*
16 *effective date of that bill, if it is enacted, until January 1, 2012,*
17 *unless AB 2668 becomes effective on or before January 1, 2011.*

18 ~~SEC. 8—Section 7 of this act becomes~~

19 *SEC. 10. Sections 7 and 9 of this act become operative on*
20 *January 1, 2011. The remainder of this act becomes operative on*
21 *January 1, 2012.*